



James A. Kosch

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Business Litigation | Construction & Real Estate Litigation | Environment & Energy |
Products Liability, Mass Torts & Consumer Class Actions | Manufacturing

James Kosch is a veteran litigator with extensive experience representing clients in complex commercial disputes, often involving corporate governance, real estate, construction and environmental issues.

Jim regularly serves as an outside general counsel to several of his most longstanding clients, providing a full range of services to small and medium-sized private companies. In this role, Jim works with a multi-disciplinary team to help clients navigate a variety of issues, including company formation and governance, the drafting of contracts, risk analysis, employee incentive plans, cyber security, employment, tax, insurance, and trade secrets matters.

In his litigation practice, Jim represents clients in a variety of disputes, including complex environmental, toxic tort, product liability, business tort, construction, estate, and commercial matters. His clients include chemical and energy companies, manufacturers, owners and developers of industrial and commercial real estate, defense contractors, trade associations, financial services entities, and communications companies. Jim also frequently represents minor league baseball and hockey teams in a variety of matters, including stadium construction, the sale and leasing of facilities, player contracts, and licensing.

Jim has written and spoken on environmental and toxic tort issues, e-discovery and regulatory reform, including authoring monthly articles for Corporate Compliance Insights and a monograph on the use of toxicological evidence in New Jersey courts. He also collaborated on the book FDA Regulation of Nanotechnology and presented a three-part series on green development to the New Jersey State Bar Association.

Jim is a Member of the Board of Directors of the Commerce and Industry Association of New Jersey and Chairs the Associations' political action committee, Commerce NJ. In 2019 he received CIANJ's Outstanding Leadership Award. Jim is on the Executive Committee of the New Jersey chapter of Business Forums International. He is a Past Chair of the Toxic Torts and Environmental Law Committee of the ABA TIPS Section (2006–2007) and was a Director of the NJSBA Environmental Law Committee. Jim serves on the boards of several not for profit groups and is an active alumnus of Manhattan College. Most of all, he dearly misses being the Baseball Commissioner of the Allendale Recreation Commission.

Representative Matters

Renewable energy equipment supplier—EPC claims

Defended a solar energy installer against claims from the EPC at seven solar installation sites in three states.

Healthcare system—Construction dispute

Leads a team defending a major New Jersey hospital against a \$400 million claim regarding a failed hotel development project.

Condominium developer—Structural defects

Successfully resolved claims of structural defects against the developer of a 40-unit Jersey City condominium.

Not for profit owner—Facility renovation

Represented the owner/operator of a botanical garden in dealings with the architect and general contractor for a major facility renovation.

Biologics manufacturer—Contract negotiations

Represented a manufacturer in contract negotiations with the architect, contractors, and suppliers for a state of the art clean room.

General contractor—Contract negotiations

Represented a General Contractor in negotiating GMP, Cost-Plus, and other types of contracts for projects including senior housing, pre-schools, manufacturing facilities, luxury condominiums, and other types of new or renovation contribution.

Affordable housing real estate developer—400,000 square-foot mixed use project

Serve as counsel to a \$150 million, 400,000-square-foot mixed use project in the heart of downtown Newark on behalf of a nationwide real estate financing and development group. The scope of the engagement involves numerous lien claims, a favorably resolved breach of contract litigation with a general contractor, and an ongoing action against a fabricator for breach of warranty and an engineer for malpractice.

Start-up—Litigation

Defended a start-up corporation in litigation by a disgruntled former shareholder in Texas.

Sports & Entertainment Law

Represents minor league baseball and hockey teams in a variety of matters.

Environmental litigation—NJ Spill Act

Prosecuted the only successful claim for treble damages under the New Jersey Spill Compensation and Control Act (*Dexter v. Cosan Chemical Co., Inc. et al*).

Toxic tort defense—Water supply cases

Led a team of lawyers that defeated a class certification action seeking medical monitoring of over 50,000 people allegedly exposed to contaminated drinking water.

Trade association—Security issues

Counsel to a trade association on port security issues.

Estates and Trust Litigation

Counsel of record for plaintiffs in a suit resolving the estate issues of a 9/11 victim (*In Re Estate of Harvey*).

Major energy company—Environmental compliance

Counsel to a major energy company on litigation avoidance and environmental compliance related to operations in the Southeastern U.S.

United water resources—Environmental mass tort defense

Lead trial counsel for United Water Resources, Inc. in defense of an environmental mass tort claim in Toms River, New Jersey (In Re Toms River Mass Tort Action).

Manufacturer—Regulatory action

Represented a manufacturer in a successful challenge of regulatory action (Hercules Chemical Company, Inc. v. MassDEP).

Solar energy cable installer—EPC claims

Defended a solar energy cable installer against the EPC's claims at seven solar installation sites.

Hotel owner and operator—Resolution of multiple New York state court actions

Negotiated favorable settlement on behalf of the owner of a property located in Manhattan's Financial District that lifted mechanics liens and resolved four separate actions filed in New York State courts arising from disputes with contractors involved in a development project on the property.

Various clients—NRD actions

Represented manufacturers and chemical companies in Lower Passaic River NRD actions.

Member of LLC—Multimillion-dollar dissolution

Represented a member in dissolution of a multimillion-dollar LLC.

Trade association—Regulatory challenges

Counsel to a trade association in a challenge to California Energy Commission regulatory adoptions.

Investment company—Breach of contract and fraud claims

Successfully represented investment company and its principal in resolving breach of contract and fraud related causes of action against a former business partner and affiliated limited liability company over defendants' failure to live up to contractual agreements requiring the reimbursement of management fees of an entity which operates as the largest microfinance business in India.

Education

Seton Hall University School of Law, JD, *cum laude*, 1981

Senior Editor, *Seton Hall Law Review*

Manhattan College, BA, *cum laude*, 1977

Bar Admissions

New Jersey

Memberships and Certifications

Commerce and Industry Association of New Jersey

Chair, Private Enterprise Political Action Committee (PENPAC)

ABA/TIPS

Chair, Toxic Tort and Environmental Law Committee (TTEL), 2006–2007

American Bar Association

New Jersey State Bar Association
Member

NJSBA Environmental Law Committee
Director, 2005–2013

Stewart Pollock Environmental American Inn of Court
Master, 2007–2010

American Water Works Association

The Federalist Society

Leadership New Jersey
Graduate Fellow

TTEL received the Overall Excellence Award from the TIPS Section of the ABA during
term as Chair
2006–2007

Seton Hall University School of Law
Adjunct Instructor, 1982–1983

Recognitions*

The Best Lawyers in America, Environmental Law and Litigation–Environmental, New
Jersey, 2010–2024

New Jersey Super Lawyer, 2005–2006, 2011–2016, 2018–2019

Chairman’s Outstanding Leadership Award, Commerce and Industry Association of New
Jersey (CIANJ), 2019

* No aspect of this or any advertisement has been approved by the Supreme Court of New Jersey. For ranking
methodologies, please see [here](#).

Alerts

New Jersey Supreme Court: No Statute of Limitations for Private Claims for Contribution Under NJ Spill Act, Environment & Energy Alert, 1.28.2015

Speaking Engagements

Benefits & Uses of Artificial Intelligence, CIANJ, 9.20.2023

Budget Forum & Networking Reception, CIANJ/PENPAC, 4.1.2015

Quoted

The Dotted Line: What's up with WOTUS?, Construction Dive, 2.2.2023

PENPAC Endorses Pro-Business Pro-Job Candidates, PolitickerNJ, 10.20.2015