



JAMES H. MILSTONE

SHAREHOLDER

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Practice Areas

- Accounting Malpractice
- Agriculture
- Appellate Work
- Architects and Engineers (E&O)
- Arbitration
- Automobile Accident Defense
- Bad Faith
- Bank Litigation: Collections and Foreclosures
- Class Action Litigation
- Commercial Lines (Premises Liability)
- Construction Defect Litigation
- Contract Disputes
- Coverage Litigation
- Directors and Officers Litigation
- Dram Shop Litigation
- Environmental Liability
- Employment Practices Liability
- Excess Liability Claims
- Fraud Defense/EUO
- Insurance Agent (E&O)
- Legal Malpractice (E&O)
- Mediation
- Medical Malpractice
- Municipal Liability Defense
- Municipal Representation and Counsel
- Personal Lines (Premises Liability)
- PIP
- Planning and Zoning
- Products Liability
- Professional Liability
- Railroads, Warehouse, and Freight Broker Liability
- Retail and Restaurant (Premises Liability)
- Real Estate Closings
- Real Estate (E&O)
- Sexual Abuse Defense
- Transportation Defense
- Trusts, Wills, and Estates
- UM/UIM
- Wrongful Death Defense

James H. Milstone has been practicing law in Indiana since 1989 with a primary focus on civil litigation. He has handled matters including products liability, transportation, construction, bankruptcy, environmental, employment, civil rights, insurance coverage, first-party coverage disputes, alleged bad faith, real estate E&O and agency matters, general commercial litigation, and professional liability. Jim has handled numerous high-profile cases involving claims of sexual abuse and harassment. He has also been serving as the town attorney for the Town of Lakeville, Indiana since 2009. Additionally, Jim handles appeals in both the state and federal court systems, litigating in the Seventh Circuit Court of Appeals as well as the Indiana Court of Appeals and Supreme Court. He

has considerable experience with bankruptcy and creditors' rights litigation. He defends claims under the Fair Debt Collection Practices Act and the Fair Credit Reporting Act and has defended class action litigation.

In 2016, Jim was awarded the Martindale-Hubbard® Top Rated Lawyer in Construction Law for Ethical Standards and Legal Ability. Jim has also served as a mediator and arbitrator in several cases including bankruptcy, tort litigation, insurance coverage and mortgage foreclosures. He has served as a federal arbitrator for the Federal Emergency Management Agency (FEMA). Jim has been an advocate at more than 300 cases, including pre-filing and post-judgment mediations and has appeared in both state and federal court.

Memberships

- American Bankruptcy Institute
- American Bar Association, Alt. Dispute Committee
- Defense Research Institute
- Elkhart City Bar Association
- Indiana Motor Truck Association, Board of Directors
- Indiana State Bar Association
- Seventh Circuit Bar Association

Presentations and Publications

- "Punitive Damages: How to Combat the Latest Nuances Plaintiffs Are Using to Make the Case," American Conference Institute's Defending and Managing Trucking Litigation Conference (2011)
- "Attacking Excessive Medical Treatment in Indiana After Sibbing," KPD National Webinar (2010)
- "Trial Tactics," ABA Law Student Division (2010)
- Radio Guest: WTRC 1340AM, "At Your Service," Elkhart, Indiana
- "Commercial Lending in Indiana," National Business Institute, South Bend, Indiana (2001)
- "Successful Judgment Collections," National Business Institute, South Bend, Indiana (1999 & 2000)
- "Complying With the Fair Debt Collection Practices Act," National Business Institute, South Bend, Indiana (1998)
- "Problem Collections," National Business Institute, South Bend, Indiana (1992)
- "Foreclosure and Bankruptcy Seminar," National Business Institute, South Bend, Indiana (1991)
- "[Contesting Medical Care in Litigation](#)," DRI's For The Defense (2010)
- "[The Emergency Room Doctor Witness](#)," DRI's For The Defense (2009)
- "How a Federal Agency Can Violate Congressional Will and Get Away With It," *Automatic Occupant Restraints and Federal Judicial Review* 19 VAL. L. REV. 693 (1985)

Trial and Case Highlights

- Handled 30+ Trials
- Average settlement 25% less than demand

- Demands as high as \$4,000,000
- Saves hundreds of thousands of dollars for clients by getting the right people to the scene and negotiating quickly

Appellate Opinions

- *Dietz v. Finlay Fine Jewelry Corp.*, 754 N.E.2d 958 (Ind. Ct. App. 2001)
- *Consolidated Services, Inc. v. KeyBank National Ass'n*, 29 F. Supp. 942 (N.D. Ind. 1998)
- *Jones v. Royalton Food Services Equipment Co.*, 1998 U.S. Dist. LEXIS 1781 (N.D. Ind. Sept. 15, 1998)
- *In re Pruitt*, 203 B.R. 134 (Bankr. N.D. Ind. 1996)
- *Azko Coatings v. Aigner Corp.*, 960 F. Supp. 1354 (N.D. Ind. 1996)
- *United States v. McGill*, 32 F.3d 1138 (7th Cir. 1994)
- *Biggerstaff v. Clark*, 999 F.2d 1153 (7th Cir. 1993)
- *In re Federal Press Co.*, 117 B.R. 942 (Bankr. N.D. Ind. 1990)
- *First National Bank v. Gabonay*, 562 N.E.2d 719 (Ind. 1990)
- *In re Belt*, 106 B.R. 553 (Bankr. N.D. Ind. 1989)
- *In re General Microcomputer, Inc.*, 118 B.R. 96 (Bankr. N.D. Ind. 1989)
- *In re Elcona Homes Corp.*, 863 F.2d 483 (7th Cir. 1988)

Admissions

- Indiana
- Supreme Court of the State of Indiana
- U.S. Bankruptcy Courts for the Northern and Southern Districts of Indiana
- U.S. Court of Appeals for the Seventh Circuit
- U.S. District Courts for the Northern and Southern Districts of Indiana
- U.S. Tax Court

Education

- Valparaiso University School of Law, J.D.
- Marquette University, B.A.