

## Jim Osborne: Fulfilling the Walter Mitty dream

Consumer Attorneys of Los Angeles has more than 2,000 attorney members and has been in existence for more than 50 years. While each member has unique traits, characteristics and accomplishments, it's safe to say that none can quite compare to Jim Osborne.

Osborne's personal background and recent professional accomplishments are truly one of a kind. He has been a CAALA member since 2000, three years after he formed his own law firm, Osborne and Associates. His office is in the San Fernando Valley and he has successfully tried cases in insurance bad faith, corporate breach of fiduciary duty, aviation, medical malpractice and serious personal injury.

### **Paying his dues**

Osborne graduated from Southwestern University Law School in 1984 and following employment with the Los Angeles County District Attorney's Office, time spent with the firms of Wentzel &



Osborne

McNicholas, Engstrom, Lipscomb & Lack and Fonda & Gerrard. Later, he joined the plaintiff's firms of L/O Emmett Gantz and Butler, Dan, Allis and Reback (later Butler, Butler and Osborne), specializing in aviation and pharmaceutical litigation.

In addition, Osborne has served as a Judge Pro Tem in the Van Nuys and Glendale Courts, was trained as a mediator for the Los Angeles Superior Court by the Straus Institute for Dispute Resolution at Pepperdine University, and was a volunteer for AIDS Project LA for the Los Angeles County Bar Association.

Representing victims on a contingency basis has required Osborne to represent his clients on appeal, and in addition to other cases, his firm has three cases of first impression in the state of California. These include *Hellinger v.*

*Farmers Group* (2001) 91 Cal.App.4th 1049 [111 Cal.Rptr.2d 268] upholding the constitutionality of Code of Civil Procedure section 340.9 (enacted in response to the Northridge earthquake); *Kotlar v. The Hartford* (2000) 83 Cal.App.4th 1116 [100 Cal.Rptr.2d 246], redefining the term "additional insured," and *Estate of Brenner* (1999) [76 Cal.App.4th 1298 [91 Cal.Rptr.2d 149], which expanded the definition of a written holographic will to include a Xerox copy.

### **Taking on Goliath**

Many CAALA members have a somewhat similar professional background. Few, however, can match Osborne's recent courtroom success against a major nemesis of many trial lawyers – Mercury Insurance.

In February of this year, Osborne tried a case against Mercury that may be one of the most significant results ever obtained by a CAALA member against the carrier.

An L.A. Superior Court jury returned a special-fraud verdict in the trial, awarding more than \$3 million in damages to Osborne's clients, a pair of Russian immigrants denied payout after their print shop was flooded by a burst pipe.

Osborne's clients claimed that during the four-year dispute with Mercury, their Sherman Oaks business suffered a slow "death by asphyxiation" while the insurance carrier repeatedly denied their claims and ignored letters for help.

As many CAALA members can attest, this is typical behavior for Mercury.

But it wasn't the unanimous decision, nor the amount of the verdict, that make the case significant. For the first time, evidence was introduced in a trial confirming Mercury's policy to delay, deny and defend.

In fact, Osborne was able to introduce into evidence internal company training manuals instructing Mercury adjustors, as the L.A. Daily Journal reported, "How to low-ball customers, drag out their claims and remind them they could be found at fault in trial."

The Daily Journal reported, "Although Osborne said proving bad faith was rather cut and dry, he believes getting a special-fraud verdict was sealed by the training document."

### **Living the Walter Mitty dream**

While not quite as significant, Osborne's personal achievements before becoming a lawyer are also unique. Osborne says that while he was in high school, he read the short story, "The Secret Life of Walter Mitty," and it had a significant impression on him.

Unlike the anti-hero in the story, Osborne was inspired to fulfill his fantasies. And, those personal experiences are unlike those of any CAALA member. Osborne first became a lumberjack in Oregon, then a taxicab driver in New York City, followed by a New York State patrolman and video news producer. Finally, he fulfilled his fantasy to become an airline pilot. He worked at all of these

unusual jobs before he chose to enter law school and begin a career as an attorney representing plaintiffs in civil tort cases.

When not practicing law, Osborne is a National Referee for the American Youth Soccer Organization; and the Area Referee Administrator for AYSO in the San Fernando Valley.

Osborne is the father of three daughters, Rachel, Leah and Colleen, and says they are his most important responsibility and greatest joy. "Without them," says Osborne, "my life would not be the same."

As a CAALA member, Osborne was one of the charter members of the CAALA Listserv and has always done his best to support other Listserv members. Many times he has served as an unofficial mediator for CAALA member disputes with other members.

Because of his accomplishments in the courtroom, his dedication to CAALA and its members, and his unique personal background, Jim Osborne is recognized as Consumer Attorneys Member-of-the-Month.

**- Stuart Zanville**