

James H. Cole

Director, Professional Liability Department
Chair, First Party Property Practice
Co-Chair, Fraud/Special Investigation Practice

JHCole@mdwccg.com

Philadelphia – 215.575.2635



James is the Director of the firm's Professional Liability Department and serves on the firm's Board of Directors. In his role as Director of the Professional Liability Department, James manages key administrative processes and leads strategic department initiatives for over 140 lawyers among 19 offices. As a member of the firm's Board of Directors, James oversees the firm's daily operations spanning four departments and 50 practice areas.

James, in addition to serving as Director, continues to focus his practice on representing insurance companies, whether in pre-litigation consultation or the defense of first-party or bad faith lawsuits. He has had a particular interest in Special Investigative Unit and Property Damage claims, including arson, burglaries, public adjuster represented claims, mold/ pollution and automobile thefts. Within his areas of practice, he is experienced in the bad faith and coverage issues inherent in first party/SIU investigations and litigation. Throughout his career, James has assisted with hundreds of SIU investigations, coverage consultations and litigated hundreds of first party lawsuits; and consulted on hundreds of property coverage issues.

James is frequently asked by clients and industry organizations to lecture on a variety of topics concerning property damage, insurance fraud and bad faith. For the past five years, he has been a featured speaker at the annual Pennsylvania Insurance Fraud conferences, and he has spoken several times at PLRB conferences, among others. James is an active member of the Claims & Litigation Management Alliance (CLM). He formerly served on the Executive Council for the CLM's Claims College, School of Property, where he helped to develop curriculum surrounding good faith claims handling and insurance coverage topics.

James is a 1990 graduate of the Indiana University of Pennsylvania. Immediately following graduation, he worked as a claims representative with a large insurance carrier, where for eight years he was involved in the investigation and resolution of property and

Practices

- Insurance Services – Coverage & Bad Faith Litigation
- First-Party Property
- Fraud/Special Investigation
- Premises & Retail Liability
- Environmental & Toxic Tort Litigation

casualty claims. In 1995, he entered Temple University School of Law while continuing to work full time. James graduated from Temple University in 1999 with a degree of juris doctor. Thereafter, he joined Marshall Dennehey and is currently chair of the firm's SIU Litigation and First Party Property Practice Groups. His firsthand property background, insurance industry knowledge and familiarity with property policies allows him to effectively, efficiently and practically counsel clients on Property and SIU issues, and when necessary, provide a vigorous and common-sense defense tailored to the needs of a particular carrier.

Education

- Temple University Beasley School of Law (J.D., *cum laude*, 1999)
- Indiana University of Pennsylvania (B.S., *cum laude*, 1990)

Admissions

- New Jersey, 1999
- Pennsylvania, 1999

Honors & Awards

- AV® Preeminent™ by Martindale-Hubbell®
- The Best Lawyers in America®, Insurance Law (2024-2026)
- National Insurance Crime Bureau, Certificate of Appreciation, 2010

Associations & Memberships

- Claims & Litigation Management Alliance
- CLM Claims College, School of Property, Instructor
- International Association of Special Investigation Units (IASIU)
- Philadelphia Bar Association

Classes/Seminars Taught

- *Condominium Conundrum (Acts, Liability, & HO6 and HOA master policies)*, Pennsylvania Association of Mutual Insurance Companies (PAMIC), Lancaster, PA, April 7-8, 2026
- *Liar, Liar, Your House is on Fire*, Annual PLRB Claims Conference, National Harbor, MD, March 24-25, 2026
- *Unfair Claims Practices: This is Jeopardy!*, Annual PLRB Claims Conference, National Harbor, MD, March 23-24, 2026
- *Untying Tangled Titles – How Property Deed Fraud Drives Costs and Indemnity*, International Association of Special Investigation Units (IASIU) 2025 Fraud Conference, Denver, CO, August 27, 2025
- *Unfair Claims Practices: This is Jeopardy!*, PLRB Claims Conference & Insurance Services Expo, Indianapolis, IN, April 1-2, 2025
- *Untying Tangled Titles – How Property Insurance Drives Fraud*, 2024 Pennsylvania Insurance Fraud Prevention Authority (IFPA) Conference, Hershey, PA, April 12, 2024
- *Unfair Claims Practices: This is Jeopardy!*, PLRB Claims Conference & Insurance Services Expo, Boston, MA, March 18-19, 2024
- *Untying Tangled Titles – How Property Insurance Drives Fraud*, Pennsylvania

Insurance Fraud Prevention Authority (IFPA) Conference, Pocono Manor, PA, April 27, 2023

- *Unfair Claims Practices: This is Jeopardy!*, PLRB Claims Conference & Insurance Services Expo, Orlando, FL, March 21-22, 2023
- *Managing the Fire Claim from Notice of Loss to the Courtroom – Are you Prepared for Trial?*, International Association of Arson Investigators, Virtual, March 9, 2023
- *Untying Tangled Titles – How To Recognize How Property Title Issues Drive Fraud*, Marshall Dennehey Insurance Fraud 360 Seminar, Lafayette Hill, PA, June, 2022
- *What You Need to Know After you Go – Parts 1 and 2*, CLM Claims College School of Property - Level 2 – Coverage, Virtual, 2021
- *Claims/SIU/Legal – COVID & Post-COVID Impact*, 2021 Insurance Fraud Management Conference, July 8, 2021
- *Civil Litigation Updates in COVID-19 Litigation – Where Do We Stand One Year Later?* Marshall Dennehey Webinar , May, 2021
- *COVID-19 Business Interruption Claims: Where Are We Now?*, ILG Virtual Conference, March 23, 2021
- *New Techniques - Old Fraud - Staying One Step Ahead of Fraudulent Contractors*, Speaker, New Jersey Special Investigators Association (NJSIA) Annual Conference, Atlantic City, NJ, October 2019
- *This is Jeopardy! The Pennsylvania Unfair Claims Practices Act*, Pennsylvania Association of Mutual Insurance Companies (PAMIC) Annual Claims Summit, Gettysburg, PA, April 10, 2019
- *Mock Examination Under Oath: Theft Loss*, PLRB Claims Conference & Insurance Services Expo, Indianapolis, IN March 2019
- *Good Faith Claims Handling*, CLM Claims College School of Property – Coverage Level 2, Baltimore, MD, 2018
- *Property Insurance Fraud Update: Real Housewives Edition*, Marshall Dennehey Insurance Fraud 360 Seminar, Lafayette Hill, PA, June, 2018
- *Unfair Insurance Practices Act and Strategies for Claims Handling*, PLRB Claims Conference & Insurance Services Expo, Orlando, FL, April, 2018, Co-presenter
- *Cooperative Investigations: The Necessities and Pitfalls of Information Sharing*, Pennsylvania's 2018 Insurance Fraud Conference, Hershey, PA, April, 2018
- *Bad Faith in Property Litigation: The Good, The Bad and the Ugly*, 2017 NAIIA National Conference, St. Thomas, June 2017
- *Cooperative Investigations: The Necessities and Pitfalls of Information Sharing*, Pennsylvania's 2017 Insurance Fraud Conference, Hershey, PA, April, 2017
- *Dealing with Jokers? How and When to Play the Rescission Card*, Pennsylvania's 2017 Insurance Fraud Conference, Hershey, PA, April, 2017
- *It's Jeopardy! An In-depth Look At The Unfair Claims Act*, PLRB Claims Conference & Insurance Services Expo, Boston, MA, March 2017, Co-presenter
- *"#Water Is The New Arson"*, Marshall Dennehey Insurance Fraud 360 Seminar, Lafayette Hill, PA, June, 2016
- *Mock Examination Under Oath: Theft Loss*, PLRB Claims Conference & Insurance Services Expo, San Antonio, TX, April 2016
- *Managing the Irrational Claimant - a Psychological & Legal Perspective*, Pennsylvania's 2016 Insurance Fraud Conference, Hershey, PA, April, 2016
- *It's Jeopardy! An In-depth Look At The Unfair Claims Act*, Client Presentation, Omaha, NE, March , 2016
- *Cooperation with Law Enforcement*, ICAC Webinar, November 2015
- *Appraisal and Recent Trends in Bad Faith Law*, Marshall Dennehey Client Seminar,

April, 2015

- *Property Overview: 3Ms - Marring, Matching, Misrepresentation*, New Jersey Special Investigators Association (NJSIA) Annual Conference, Atlantic City, NJ, October 2014
- *Property Overview: 3Ms - Marring, Matching, Misrepresentation*, Marshall Dennehey Insurance Fraud 360 Seminar, Lafayette Hill, PA, June, 2014
- *Coverage "C": Tools to Ensure Payment of Legitimate Content Claims*, Marshall Dennehey Client Seminar, May, 2014
- *Cooperative Investigations-The Necessity and Pitfalls of Information Sharing*, 2014 Pennsylvania Fraud Insurance Fraud Conference, Hershey, PA, April, 2014
- *Streamlining the Process and Controlling the Cost of Large-Scale Ring Cases*, IFM – 2014 Insurance Fraud Management Conference, Amelia Island, FL, March 2014
- *Auto Repair Fraud*, Moderator, New Jersey Special Investigators Association (NJSIA) Annual Conference, Atlantic City, NJ, October 2013
- *Towing and Auto Body Fraud*, IASIU's 28th Annual Seminar and Expo on Insurance Fraud, Atlanta, GA, September 2013
- *Investigating Suspicious Wind and Hail Claims*, Pennsylvania Association of Mutual Insurance Companies (PAMIC) Annual Claims Summit, Gettysburg, PA, April 3, 2013
- *Body Shop and Towing Fraud*, Pennsylvania Insurance Fraud Prevention Authority Annual Conference, Hershey, PA, April 1-2, 2013
- *Effectively Managing Complex and Emerging Issues*, 2012 NJSIA 22nd Annual Fraud Seminar, Atlantic City, NJ
- *The Importance of a Complete and Thorough Investigation*, 2012 Marshall Dennehey Insurance Fraud Perspectives Seminar, Cleveland, OH
- *Recent Trends in Auto Body & Towing Fraud - Enhanced Damage and Reconstructed Titles*, 2012 Marshall Dennehey Insurance Fraud Perspectives Seminar, Lafayette Hill, PA
- *Managing Public Adjuster Issues*, 2012 IFMC - Insurance Fraud Management Conference, Phoenix, AZ
- *Proper Interaction and the Role of the Public Adjuster During an Arson Investigation*, 2012 ICAC - National Arson Training Seminar, Las Vegas, NV
- *Insurance Fraud*, 2011 ACFE Conference, San Diego, CA
- *Litigation Strategies for Combating Fraudulent Hail Claims*, 2011 Pennsylvania Fraud Conference, Hershey, PA
- *Managing the Public Adjuster Process*, 2011 IFM Conference, Amelia Island, FL
- *Homeowner Fraud*, 2010 NJSIA Conference, Atlantic City, NJ
- *Civil Litigation Strategies for Combating Fraudulent Hail Claims*, 2010 NICB Hail Fraud Awareness Conference, West Deptford, NJ
- *The Importance of a Complete Investigation*, 2010 Combating Insurance Fraud Conference, Conshohocken, PA
- *Public Adjusters an SIU Perspective*, 2010 IASIU Conference, Orlando, FL
- *Public Adjusters An SIU Perspective*, 2010 Pennsylvania Fraud Conference, Gettysburg, PA
- *SIU and the Public Adjuster Represented*, 2009 IASIU Conference, Palm Desert, CA
- *Cooperative Arson Investigations*, 2009 PLRB Conference, Seattle, WA
- *Property Claims Overview*, 2008 PAMIC Conference, Harrisburg, PA
- *Investigating Fraudulent Claims and Reporting Requirements*, 2006 IASIU Conference, La Quinta, CA
- *Application Fraud; PIP Fraud; Automobile Theft Fraud; Medical Fraud; Special Disaster Fraud; Arson Investigations and Bad Faith*, local and national presentations to clients

Published Works

- "A Royal Assignment [of Benefits]: Ramifications for Insurers in the First Party Property Context," *Defense Digest*, Vol. 28, No. 12, December 2022
- "Much Ado About Marring," co-written with Hillary Dean, *Litigation Management*, Winter 2014
- "Game, Set, Match: the Pennsylvania Superior Court Clarifies Whether an Insurance Company Owes to Match," *Defense Digest*, Vol. 14, No. 1, March 2008
- "When an Insured Fires a Public Adjuster: The Sequel," *Defense Digest*, Vol. 12, No. 4, December 2006
- "Direct Physical Loss Does Not Equal Direct Physical Damage: The Third Circuit Expands the Scope of Property Insurance Coverage," *Defense Digest*, Vol. 11, No. 4, December 2005
- "When The Insured Fires A Public Adjuster," *Defense Digest*, Vol. 11, No. 1, March 2005
- "Pennsylvania Superior Court Clarifies Application of Depreciation in Homeowners Policies," *Defense Digest*, Vol. 10, No. 1, June 2004

Media Commentary

- "Total U.S. Reconstruction Costs Up 5.2% Over Past Year: Report," *CLM Magazine*, August 28, 2024

Significant Representative Matters

- Obtained a Breach of Contract/Bad Faith/ Unfair Trade Practices defense verdict after a four week jury trial. The Plaintiffs refused to move off of a \$9 million demand prior to and during trial. The plaintiff family claimed that their house was contaminated by a common disinfectant solution that was applied during a water mitigation by a contractor referred by their homeowners' insurance company. The family not only claimed the house had to be razed and all the personal property disposed of; they also claimed a myriad of personal injuries. Ultimately, the jury returned a unanimous defense verdict on the breach of contract claim and the judge entered a verdict in favor of the defense on the bad faith and UTPCPL claims.
- Obtained a Defense jury verdict in a Breach of Contract claim involving matching continuous tile and paint.
- Obtained a \$4.1 million judgment against a contractor who was suspected and later proven to be fraudulently fabricating hail damage to thousands of area homes and convincing the unwitting homeowner to file claims with their insurance carrier.

Certifications

- Certified Claims Professional in Property Claims, CLM
- Associate in Claims (AIC), The Insurance Institute of America
- Litigation Management Institute, Graduate 2014 (CLMP)

Thought Leadership

March 1, 2025

On the Pulse...Insurance Fraud & Special Investigations Practice Group

December 1, 2022

A Royal Assignment [of Benefits]: Ramifications for Insurers in the First-Party Property Context

April 1, 2022

On the Pulse...Our Property Litigation Practice Group