

James V. Irving

jirving@beankinney.com
ph: 703.284.7269
fx: 703.525.2207



PRACTICE AREAS

Business Organizations & Transactions
Commercial & Civil Litigation
Employment
Government Contracting
Mergers & Acquisitions

INDUSTRIES

Associations & Nonprofit Organizations
Government Contracting
Professional & Licensed Occupations
Retailers & Restaurateurs
Small, Emerging & Growing Businesses

EDUCATION

Marshall-Wythe School of Law,
College of William and Mary,
J.D., 1981

University of Virginia, B.A. with
distinction, 1976

BAR & COURT ADMISSIONS

Virginia, 1982
District of Columbia, 1988
Massachusetts, 2000
U.S. District Court for the
Eastern District of Virginia

James Irving is a shareholder of Bean, Kinney & Korman. Jim's practice areas include business counseling and entity formation, contracts, purchase and sale agreements, shareholder or membership agreements, non-competition agreements, non-disclosure and trade secret agreements, as well as the purchase and sale of the stock or assets of a business, and the negotiation, drafting and litigation of employment agreements.

A graduate of the University of Virginia, where he earned a BA in English, and the College of William and Mary, where he earned his JD, he is a member of the bars of Virginia, Maryland, the District of Columbia and his native Massachusetts. Jim helps a broad variety of businesses and their respective management teams anticipate and address the legal issues affecting them. His wealth of experience as both a trial lawyer and transactional attorney allows him to bring a broad perspective to his work. As a creative problem solver, Jim works to find practical solutions to business problems but understands that aggressive litigation can be the logical extension of an unsuccessful negotiation.

Jim represents various types of businesses including hotels and restaurants, medical practices, government contractors, retailers, builders and architects, and professional service providers such as accountants, personnel placement businesses and financial planners. He understands that many of the businesses he represents often have similar problems, but that for each business owner, his or her problem is paramount and expects and deserves individual attention.

Honors

Arlington Magazine, Top Attorney - Business/Corporate, 2019
AV rated by Martindale-Hubbell

Reported Cases

Far East Bank v. Dang, 257 Va. 524 (1999)
Kapani v. Rana, 55 Va. Cir. 16 (2001)

U.S. Bankruptcy Court for the Eastern District of Virginia

U.S. District Court for the District of Columbia

U.S. Court of Appeals for the Fourth Circuit

U.S. District Court for the District of Maryland

Lee v. Mulford, 269 Va. 562 (Va. 2005)

Matrix Mech. Corp. v. Harrison, Nos. 2068-96-4; 2069-96-4, 1997 Va. App. LEXIS 176 at *1 (Mar. 25, 1997)

Mikkilineni v. Gibson-Thomas Eng'g Co., No. 02-1118, 2003 U.S. Dist. LEXIS 5754 at *1 (D.D.C. Mar. 31, 2003)

Roy J. Bucholtz, P.C. v. Computer Based Sys., 255 Va. 349 (1998)

Trimark Ptrns., L.L.C. v. HST, LL.C., 39 Va. Cir. 415 (Va.Cir.Ct., 1996)

Published Articles

SCC's Increased Security Promises Greater Burdens for Users
LinkedIn, December 12, 2019

Can an Employee Who Quits Receive Unemployment Benefits
LinkedIn, September 10, 2019

Successor Liability: a New Corporation is Not an Escape Route
January 30, 2017

The Public's Right to Access Trumps Trump University's Confidentiality Claim
June 2016

Creative Pleading in Business Torts
BKK Business Law Newsletter, May 2016

Lessons from the Bankruptcies of Donald Trump
Bankruptcy Law News, May 2016

HR 101 from Abercrombie & Fitch
BKK Business Law Newsletter, January 2016

Trade Secrets and Confidentiality
BKK Business Law Newsletter, January 2016

Obligations of the Corporate Status
BKK Business Law Newsletter, November 2015

New Laws in Local Jurisdictions
BKK Business Law Newsletter, September 2015

Latent Drunk Driving
BKK Business Law Newsletter, September 2015

USDC Weighs in on Tortious Interference
BKK Business Law Newsletter, July 2015

Charities and Gambling

March 2, 2015

DWI in Your Driveway

BKK Business Law Newsletter, March 2015

Fraud in Virginia

BKK Business Law Newsletter, November 2014

Restrictions in Franchise Agreements Narrowly Construed

BKK Business Law Newsletter, September 2014

Tortious Interference in Virginia – Improper Methods Requirement

BKK Business Law Newsletter, July 2014

Data Security in a Technological World

June 3, 2014

Enforcing Oral Contracts: The Presumption is Against You

BKK Business Law Newsletter, May 2014

Non-Competes in Virginia: The Trend Against Enforceability Continues

April 15, 2014

The Hidden Power of Routine Contract Provisions

BKK Business Law Newsletter, March 2014

Minority Shareholder Rights in Virginia

December 2, 2013

False Notes in the Music Industry: Fiduciary Duty of Business Partners

BKK Business Law Newsletter, November 2013

Business Audits Allow Business As Usual

October 22, 2013

Sea Change in Virginia Non-Competition Law

September 24, 2013

Regular contributor of articles and insights on the *non-competition lawyers group* on LinkedIn

A Tactical Approach to Defending Virginia Non-Competes

BKK Business Law Newsletter, September 2013

Proactive Steps to Protect Trade Secrets

BKK Business Law Newsletter, September 2013

Pitfalls on Termination: Employer May be Liable for Employees' Loose Talk

BKK Business Law Newsletter, July 2013

New I-9 Creates Risk for Employers

BKK Business Law Newsletter, May 2013

Virginia's New Employment-Based Tort

The Corporate Counselor, April 2013

Business Torts in Virginia: *Alliance Technology Group LLC v. Achieve 1, LLC*

BKK Business Law Newsletter, March 2013

Virginia Non-Competition Law After Home Paramount

BKK Business Law Newsletter, March 2013

Written Contracts and the Statute of Limitations

BKK Business Law Newsletter, January 2013

Why the Law is Not a Vehicle for Vengeance

BKK Business Law Newsletter, January 2013

Distinguishing Between Non-Competition Agreements in Employment Agreements and Those in the Sale of a Business

BKK Business Law Newsletter, November 2012

Enforceability of Waivers of Prospective Liability

BKK Business Law Newsletter, September 2012

Old Law Wins a New Case

BKK Business Law Newsletter, May 2012

Fairfax Circuit Court Expands Jurisdiction in Conspiracy Cases

BKK Business Law Newsletter, January 2012

Finality of Orders in *Reston Homeowners Association v. Ramirez*

BKK Business Law Newsletter, January 2012

Virginia Supreme Court Limits Transfers of LLC Membership Interest

BKK Business Law Newsletter, January 2012

Virginia Narrows Employer Non-Competition Protections

BKK Construction & Land Use Newsletter, December 2011

Non-Competes in Virginia Civil Settlement Agreements

BKK Business Law Newsletter, November 2011

Non-Competition Agreements and Independent Contractors

BKK Business Law Newsletter, September 2011

Importance of Corporate Formalities

BKK Business Law Newsletter, July 2011

The Arrogant Car Salesman in a Non-Competition Agreement

BKK Business Law Newsletter, March 2011

The Substantially Prevailing Party

BKK Business Law Newsletter, January 2011

Employees and Independent Contractors

HR.com, November 2010

Consider Legal Ramifications of Personal Guarantees

Society for Human Resource Management Legal Report, September 2010

Restrictive Covenant as a Restraint of Trade

BKK Business Law Newsletter, September 2010

Sexual Discrimination in the Workplace - Hostile Environment

BKK Business Law Newsletter, July 2010

The Dead Man's Statute in Virginia

BKK Business Law Newsletter, March 2010

Notice Pleading: Be Simple But Be Precise

BKK Business Law Newsletter, March 2010

Non-Competition in State Court

BKK Business Law Newsletter, November 2009

Remedies for Breach of Non-Competition Agreements

BKK Business Law Newsletter, November 2009

Business Torts: Business Conspiracy & Trade Secrets

BKK Business Law Newsletter, September 2009

Protecting & Registering Your Intellectual Property

BKK Business Law Newsletter, September 2009

Prudent Corporate Director Conduct

BKK Business Law Newsletter, July 2009

Effectiveness of Arbitration Agreements

BKK Business Law Newsletter, May 2009

Piercing the Corporate Veil

BKK Business Law Newsletter, May 2009

Speaking Engagements

Judge at the 47th Annual William B. Spong Tournament

February 16, 2018

13 Negotiating Lessons from the Maltese Falcon

Farifax Bar Association, ADR Section, March 2015

Employees vs. Independent Contractors vs. Interns: Worker Designations and Why It Matters
October 16, 2013

News

Twenty-six Attorneys from Bean, Kinney & Korman Recognized as Top Attorneys by *Arlington Magazine*
October 18, 2019

James Irving was featured in "3 Things Small Business Owners Don't Include in Their Year-End Planning, But Should."
JD Supra Law News, December 5, 2013

Jim Irving featured in "Protecting the Biz: Safeguarding Musts"
Northern Virginia Magazine, June 2011

Jim Irving featured in "Slip-and-fall plaintiff fighting to recover funds"
Virginia Lawyers Weekly, September 2, 2010

Professional & Community Affiliations

Virginia State Bar

Arlington Bar Association

Fairfax Bar Association

D.C. Bar

Exit Planning Exchange

Arlington Community Foundation (Program and Distribution Committee)

Greater Washington Board of Trade (Former Member, Green Committee)

Arlington YMCA (Former Member, Board of Directors)

Arlington Rotary (Former Member, Past President, Paul Harris Fellow)

Alpha Omicron of Chi Psi, Charlottesville, Virginia (Board of Directors)