

James V. Irving

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PRACTICE AREAS

Business Organizations &
Transactions

Employment

Government Contracting

Mergers & Acquisitions

Commercial & Civil
Litigation

INDUSTRIES

Associations & Nonprofit
Organizations

Government Contracting

Professional & Licensed
Occupations

James Irving is senior counsel with 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, with distinction, and the College of William and Mary, where he earned his JD. He is a member of the bars of Virginia 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.

Retailers & Restaurateurs
Small, Emerging & Growing
Businesses

BAR AND COURT ADMISSIONS

Virginia, 1982

Massachusetts, 2000

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

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

EDUCATION

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

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

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.

AWARDS AND HONORS

Arlington Magazine, Top Attorney – Business/Corporate, 2019, 2021

AV rated by Martindale-Hubbell

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)

REPORTED CASES

- *Kapani v. Rana*, 55 Va. Cir. 16 (2001)
- *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)
- *Matrix Mech. Corp. v. Harrison*, Nos. 2068-96-4; 2069-96-4, 1997 Va. App. LEXIS 176 at *1 (Mar. 25, 1997)
- *Far East Bank v. Dang*, 257 Va. 524 (1999)
- *Lee v. Mulford*, 269 Va. 562 (Va. 2005)
- *Trimark Ptnrs., 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
- Can an Employee Who Quits Receive Unemployment Benefits
- Successor Liability: a New Corporation is Not an Escape Route
- The Public's Right to Access Trumps Trump University's Confidentiality Claim
- Creative Pleading in Business Torts
- Lessons from the Bankruptcies of Donald Trump
- HR 101 from Abercrombie & Fitch
- Trade Secrets and Confidentiality
- Obligations of the Corporate Status
- New Laws in Local Jurisdictions
- Latent Drunk Driving
- USDC Weighs in on Tortious Interference
- DWI in Your Driveway
- Charities and Gambling
- Fraud in Virginia
- Restrictions in Franchise Agreements Narrowly Construed

- Tortious Interference in Virginia – Improper Methods Requirement
- Data Security in a Technological World
- Enforcing Oral Contracts: The Presumption is Against You
- Non-Competes in Virginia: The Trend Against Enforceability Continues
- The Hidden Power of Routine Contract Provisions
- Minority Shareholder Rights in Virginia
- False Notes in the Music Industry: Fiduciary Duty of Business Partners
- Business Audits Allow Business As Usual
- Sea Change in Virginia Non-Competition Law
- Regular contributor of articles and insights on the non-competition lawyers group on LinkedIn
- Proactive Steps to Protect Trade Secrets
- A Tactical Approach to Defending Virginia Non-Competes
- Pitfalls on Termination: Employer May be Liable for Employees' Loose Talk
- New I-9 Creates Risk for Employers
- Virginia's New Employment-Based Tort
- Business Torts in Virginia: Alliance Technology Group LLC v. Achieve 1, LLC
- Virginia Non-Competition Law After Home Paramount
- Written Contracts and the Statute of Limitations
- Why the Law is Not a Vehicle for Vengeance
- Distinguishing Between Non-Competition Agreements in Employment Agreements and Those in the Sale of a Business
- Enforceability of Waivers of Prospective Liability
- Old Law Wins a New Case
- Fairfax Circuit Court Expands Jurisdiction in Conspiracy Cases
- Finality of Orders in Reston Homeowners Association v. Ramirez

- Virginia Supreme Court Limits Transfers of LLC Membership Interest
- Virginia Narrows Employer Non-Competition Protections
- Non-Competes in Virginia Civil Settlement Agreements
- Non-Competition Agreements and Independent Contractors
- Importance of Corporate Formalities
- The Arrogant Car Salesman in a Non-Competition Agreement
- The Substantially Prevailing Party
- Employees and Independent Contractors
- Restrictive Covenant as a Restraint of Trade
- Consider Legal Ramifications of Personal Guarantees
- Sexual Discrimination in the Workplace – Hostile Environment
- The Dead Man’s Statute in Virginia
- Notice Pleading: Be Simple But Be Precise
- Non-Competition in State Court
- Remedies for Breach of Non-Competition Agreements
- Protecting & Registering Your Intellectual Property
- Business Torts: Business Conspiracy & Trade Secrets
- Prudent Corporate Director Conduct
- Piercing the Corporate Veil
- Effectiveness of Arbitration Agreements

BLOGS

- What Should You Choose? A Sub-S Corporation or an LLC
Business Insights, Sunday August 27, 2017
- Indefinite Geographical Range Sacks Enforceability of Non-Compete Agreement
Business Insights, Monday June 26, 2017
- Data Security in a Technological World
Employment Law, Friday September 12, 2014

SPEAKING ENGAGEMENTS

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- Judge at the 47th Annual William B. Spong Tournament
Friday, February 16, 2018
- Employees vs. Independent Contractors vs. Interns: Worker Designations and Why It Matters
Wednesday, October 16, 2013
- Seminar on Starting a New Business and Employment Law
Friday, June 7, 2013

NEWS

- Twenty-eight Attorneys from Bean, Kinney & Korman Recognized as Top Attorneys for 2021 by Arlington Magazine
Thursday October 21, 2021
- Twenty-six Attorneys from Bean, Kinney & Korman Recognized as Top Attorneys by *Arlington Magazine*
Friday 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, Thursday December 5, 2013
- Jim Irving featured in “Protecting the Biz: Safeguarding Musts”
Northern Virginia Magazine, Wednesday June 1, 2011
- Jim Irving featured in “Slip-and-fall plaintiff fighting to recover funds”
Virginia Lawyers Weekly, Thursday September 2, 2010