

Alan Jay Weil

Partner



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Alan Jay Weil has been a trial and appellate lawyer for his entire career. He has tried numerous cases in state and federal court, both civil and criminal, and has handled numerous appeals as well. As a former Assistant U.S. Attorney in the Criminal Division of the U.S. Attorney's Office in Los Angeles, he prosecuted a wide range of federal criminal cases, including tax fraud, securities and commodities fraud, mail and wire fraud, and other crimes against the government.

In private practice, Mr. Weil has litigated virtually every variety of complex commercial dispute, with a particular emphasis on securities and commodities litigation, legal malpractice, insurance, entertainment, sports, real estate, and litigation with government agencies.

Mr. Weil's representation of clients in the legal malpractice arena deserves special mention. He has an unbroken string of success in defending law firms against malpractice claims. His expertise led the *National Law Journal* to name him one of 26 outstanding lawyers nationwide in the field of legal malpractice litigation.

Mr. Weil has represented local, regional, national, and international law firms accused of legal malpractice, breach of fiduciary duty, or other wrongdoing arising from all legal services disciplines, including pretrial, trial, and appellate litigation and tax, entertainment, securities, real estate, financial services, estate planning, partnership, and intellectual property matters.

Mr. Weil also regularly consults and testifies as an expert witness in legal malpractice cases. He was on the faculty of the Association of Business Trial Lawyers for the presentation of one of its Annual Seminars on the trial of a legal malpractice case.

Education

University of Texas School of Law, J.D., 1973

- Graduated with honors

University of Texas, B.A., Plan II, 1970

- Graduated with highest honors and special honors in Plan II, a liberal arts honors program at the university

Clerkships

U.S. Court of Appeals, Fifth Circuit, 1973-1974

- Law Clerk, Hon. Homer Thornberry

Representative Matters

Legal Malpractice Defense

- Obtained summary judgment in favor of a national law firm in a legal malpractice action in which the plaintiff alleged that its lawyers had caused the plaintiff to enter into a poor settlement of underlying litigation, which had cost the client millions of dollars.
- Obtained a binding arbitration award in favor of a national law firm and an award of fees and costs as the prevailing party in a legal malpractice action arising from the negotiation and drafting of transaction documents for the sale of a mortgage origination business to a publicly traded investment bank.
- Successfully represented an international law firm in three consolidated actions brought by over 600 Names at Lloyd's. The law firm faced claims arising out of billions in losses the plaintiffs suffered when their Lloyd's Syndicates were forced to pay huge asbestosis claims. Summary judgment obtained as to approximately 400 of the plaintiffs. Also obtained summary adjudication on all claims which posited an intended beneficiary theory of liability and had motions for summary judgment of the remaining claims pending when the cases settled on very favorable terms.
- Obtained summary judgment for a national law firm in a lawsuit filed by a national franchisor for legal malpractice arising from the law firm's representation of the franchisor in litigation against franchisees.
- Successfully defended a regional law firm and its partners against malpractice claims arising from the sale of real estate owned by an LLC. The plaintiffs sought over \$25 million in damages. Obtained summary judgment and an award of attorney fees and costs, which were affirmed on appeal.
- Obtained summary judgment for an international law firm in a legal malpractice action filed by real estate developers arising out of a failed development agreement with the City of Los Angeles involving over \$400 million in alleged damages. Summary judgment was affirmed on appeal.
- Successfully represented an international law firm in a legal malpractice action arising from the firm's representation of a real estate developer in underlying complex land use proceedings over the proposed development of a large tract of land in Los Angeles County. The plaintiff originally sought \$120 million in damages. Obtained summary judgment in favor of the law firm.
- Obtained a defense victory for a regional law firm in an action regarding legal malpractice brought by over 20 investors in a wind energy partnership. Obtained summary judgment and an award of attorney's fees for the client.
- Successfully represented a national law firm sued for malicious prosecution arising from complicated underlying litigation of copyright and trademark infringement claims which were decided against the firm's client. Prevailed on an anti-SLAPP motion with an award of \$315,000 in fees and costs as the prevailing party. At the time, this was the single largest anti-SLAPP fee award in California history among all reported decisions.
- Successfully represented a national law firm sued for malicious prosecution arising from the dismissal of an action brought by the firm's client for breach of contract, trade libel, and intentional and negligent interference with economic advantage. Obtained summary judgment for an international law firm sued for legal malpractice arising from the firm's representation of its client in the sale of a downtown office building.

Other Complex Commercial Litigation

- Represented a major national insurance company in trial regarding claims brought by insureds for *Cumis* counsel in over 27,000 asbestosis cases. Obtained a judgment for the insurer that *Cumis* counsel was not required.
- Represented a regional law firm in a binding arbitration against a professional liability insurer in an action for coverage in pending litigation where the insurer denied coverage based on an exclusion for non-lawyer business activities. Obtained a binding arbitration award in favor of the law firm for complete coverage.
- Obtained summary judgment for a famous TV celebrity in an action brought by a major studio for breach of contract.
- Represented hundreds of investors in trial against the receiver for a failed real estate investment company in SEC receivership proceedings. Obtained judgment for all investors after trial.
- Successfully represented a charitable foundation in an action for the defective construction of a museum. Obtained a jury verdict in favor of the foundation and an award of fees and costs as prevailing party. Verdict was affirmed on appeal.
- Obtained a trial verdict in favor of land owners in a lawsuit involving boundary disputes.
- Obtained summary judgment for an Asian semiconductor manufacturer sued in federal court for false advertising and unfair competition by a competitor.

Recognition and Affiliations

- *National Law Journal*, Top Legal Malpractice Lawyer
- California Association of Business Trial Lawyers, Member
- Association of Professional Responsibility Lawyers, Member
- **Anti-Defamation League**
National Commissioner
Past Board Chair – Pacific Southwest Region
Executive Committee Member

Bar and Court Admissions

- State Bar of Texas (inactive)
- State Bar of California
- American Bar Association, Litigation Section
- U.S. District Courts
Central, Northern, and Southern Districts of California
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Fifth Circuit

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