

Harry W. R. Chamberlain II

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Shareholder

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Areas of Practice & Industry Specialties

Insurance Law; Litigation; Appellate Law



Harry Chamberlain is a Shareholder of Buchalter, an Am Law 150 firm with a dozen U.S. offices. For over 40 years, he has served as trial and appellate counsel on behalf of Fortune 500 companies, and a variety of public and private sector clients in complex litigation matters. He is certified as an Appellate Specialist by the California State Bar Board of Legal Specialization, arguing hundreds of appeals, including numerous cases before the California Supreme Court and the highest state and federal courts across the country. His First Amendment practice has produced significant precedents defining the law of defamation, trade libel and constitutional privileges.

Before joining Buchalter, Harry was general counsel for California-based professional liability insurers, and he managed the law department of a national group of commercial insurance and financial service companies. He is past president of California Defense Counsel and the Association of Southern California Defense Counsel, preeminent associations of civil trial and appellate lawyers. He writes and lectures widely on topics concerning complex litigation, the First Amendment and constitutional law.

Honors and Recognitions

- State Bar of California Certified Specialist–Appellate Law
- *Super Lawyers*–2005 to Present
- *Best Lawyers in America*, Appellate Practice, 2023-2025
- *Best Lawyers in America*, Insurance Law, 2025
- *Sacramento Magazine's* Top Lawyer, Appellate Law, 2023
- AV Preeminent Rated By *Martindale-Hubbell*

Representative Matters

- *Harrod v. Country Oaks Partners, LLC* (2024) 15 Cal.5th 939, pending cert. petition: Consistent with the Federal Arbitration Act, may the California Legislature prohibit a patient's appointed agent who is acting under the patient's advance medical directive from agreeing to arbitrate disputes with medical providers?
 - *Jarman v. HCR Manor Care* (2020) 10 Cal.5th 375 (amicus): Health & Safety Code provides only a limited private remedy of \$500 "per lawsuit" for nursing home's alleged violations the CA Patient Bill of Rights.
 - *Parrish v. Latham & Watkins LLP* (2017) 3 Cal.5th 767 (amicus): Malicious prosecution action by former employees against their employer's counsel was barred by the "interim adverse judgment" rule based on denial of a pretrial motion, even though the trial court later found employer's action was in bad faith.
 - *Winn v. Pioneer Medical Group, Inc.* (2016) 63 Cal.4th 148 (amicus): Aggravated "neglect" within the meaning of the Elder Abuse and Dependent Care Act requires plaintiff to show that the defendant health care provider had a "custodial relationship" with the elder patient.
 - *Lee v. Hanley* (2015) 61 Cal.4th 1225 (amicus): Defining when the one-year statute of limitations for actions against an attorney (Code Civ. Proc. § 340.6) applies to a former client's claims relating to

performance services encompassed within a lawyer's "professional obligations."

- *Crane v. R.R. Crane Invest. Corp.* (2022) 82 Cal.App.5th 748: Disgruntled shareholder is entitled to receive the appraised value for his shares under Corp. Code § 2000, but not prejudgment interest.
- *Healthsmart Pacific, Inc. v. Kabateck* (2016) 7 Cal.App.5th 416: \$60 million media defamation suit was a SLAPP suit against opposing counsel barred by the "fair report privilege" under Civil Code § 47(d).
- *Thayer v. Kabateck Brown Kellner LLP* (2012) 207 Cal.App.4th 141: Action by a client's spouse claiming her husband's attorneys mishandled a class action settlement was barred as an improper SLAPP suit.
- *Prospect Medical Group v. Northridge Emergency Medical Group* (2009) 45 Cal.4th 497: California law prohibits hospitals from "balance billing" their patients for medical fees owed by the patient's HMO.
- *Mayer v. L&B Real Estate* (2008) 43 Cal.4th 1231: Property owner's Due Process right to set aside invalid tax sale does not expire until possession is "disturbed" by a valid notice of sale from the tax collector.
- *City of Anaheim v. Angels Baseball LP* (2008) 2008 WL 5274631: Adopting the team name Los Angeles Angels of Anaheim did not violate contractual arrangements with the City of Anaheim.
- *Cohn v. Corinthian Colleges, Angels Baseball LP* (2008) 169 Cal.App.4th 523: Mother's Day tote bag giveaway at Angels' baseball game was not unlawful discrimination against men.
- *Kibler v. No. Inyo County Hosp. Dist.* (2006) 39 Cal.4th 192 (amicus): A hospital peer review committee's disciplinary decisions are protected under the First Amendment.
- *Jarrow Formulas Inc. v. La Marche* (2003) 31 Cal.4th 728: Lawyers may challenge claims for malicious prosecution under the anti-SLAPP statute and recover their legal fees if they prevail.
- *Viner v. Sweet* (2003) 32 Cal.4th 1232 (amicus): A client suing for legal malpractice must prove that a more favorable outcome would have resulted "but for" the lawyer's negligence.
- *Musser v. Provencher* (2002) 28 Cal.4th 274 (amicus): Attorneys may sue co-counsel for indemnification arising from errors they committed during the joint representation of their mutual client.
- *Summit Financial Holdings Ltd. v. Continental Lawyers Title Co.* (2002) 27 Cal.4th 1160 (amicus): Escrow agents owe no duty to protect the financial interests of third parties outside of the transaction.
- *Shade Foods, Inc. v. Royal Ins. Co. of America* (2000) 78 Cal.App.4th 847: \$14 million bad faith and punitive damages verdict reversed for insufficient evidence of malice.
- *Potvin v. MetLife Ins. Co.* (2000) 22 Cal.4th 1060: Case-by-case analysis is required to determine if Due Process precludes the at-will termination of a medical provider by a health plan.
- *Temple Community Hosp. v. Superior Court* (1999) 20 Cal.4th 464, *Cedars-Sinai Med. Center v. Superior Court* (1998) 18 Cal.4th 1 (amicus): No tort remedy exists for "spoliation of evidence" under California law; other evidentiary, criminal and regulatory sanctions suffice.
- *Parsons v. Crown Disposal Co.* (1997) 15 Cal.4th 456: Waste disposal company has no liability to a horseback rider for noises made during a garbage truck's routine trash collection operations.
- *Rubin v. Green* (1993) 4 Cal.4th 1187: Absolute litigation privilege bars private actions against attorneys under Business & Professions Code §17200 based on their communications relating to litigation.
- *Bay Cities Paving & Grading Inc. v. Lawyers' Mut. Ins. Co.* (1993) 5 Cal.4th 854 (amicus): Insurance policy limits available for "related" claims requires a common sense reading of the contract.

Publications

- Out of Balance: 'Balance-Billing' Unfairly Puts the Patient in the Middle, *OC Lawyer*, 2012
- Advanced Appellate Practice Roundtable, *Pincus Cont. Legal Ed.*, 2012
- The "Nuts and Bolts" of Anti-SLAPP, *Firm Publication*, 2004
- Ex-Hospital CEO Says Attys' Prostitution Claim Defamed Him, *Law360*, November 9, 2016

Presentations

- Presenter, "Mediating During Appeals," Will Work for Food News Webinar, July 20, 2023
- Speakers, "Appraisal Process for Insurance Claims: Understanding the rules of appraisal and obtaining prompt and effective resolution of your client's insured property losses," Federal Bar Association, February 24, 2023

- Speaker, "Insurance Solutions for Cyber Security Risks," California Lawyers Association, May 3, 2022
- Speaker, "7th Annual Advanced Appellate Program," Pincus Professional Education, February 15, 2022
- Guest, "Kabateck LLP Civil Action Podcast," April 17, 2020
- Speaker, "Be the Trial Attorney Your Dog Thinks You Are and Your Appellate Attorney Wants You To Be," RCBA Building- John Gabbert Gallery, March 2, 2018
- Speaker, "Second Annual Appellate Conference ," Pincus Profesional Education, January 27, 2017
- Speaker, "Lawyer Defense Committee of the ASCDC," Southern California Defense Counsel, December 13, 2016
- Speaker, "Meeting the Counter-Attack When Fighting Insurance Fraud," NCFIA Annual Convention, March 1, 2016
- Co speaker, "Brave New World: Electronic Briefs and Record on Appeal," Advanced Appellate Seminar in San Francisco, CA, February 25, 2016
- Speaker, "The Seven Deadly Sins: Why Lawyers Get Stung by Juries in Legal Malpractice Cases," the Los Angeles County Bar Association, July 7, 2011
- Speaker, "Anti-SLAPP: It's Not Just for Defamation Anymore," Association of Defense Counsel of Northern California and Nevada Annual Seminar, December 1, 2008
- Speaker, "Tactical Advantage? The Do's and Don'ts of Summary Adjudication," CAALA Vegas, March 10, 2006

Webinars

- "Webinar: Bad Faith Insurance Litigation in CA," April 16, 2024
- "Buchalter Webinar: Navigating Insurance Resolutions: A Comprehensive New Year's Presentation Unveiling Solutions to Policyholder Challenges," January 10, 2024
- "Pincus Professional Education: Insurance Solutions for Covid-19 Business Losses and Claims," May 13, 2020
- "Pincus Webinar: Understanding the Legal Impact of Covid-19 as it Affects Your Clients, Your Life and Your Business," April 8, 2020

Bar Admissions

- California
- District of Columbia
- North Carolina

Court Admissions

- Supreme Court of the United State
- California, all State and Federal Courts
- North Carolina, all State and Federal Courts
- District of Columbia, all Courts

Community

- Past president of the Association of Southern California Defense Counsel (2006) and California Defense

Counsel (2010), preeminent regional associations of civil defense trial and appellate lawyers.

- Former elected Trustee of the Los Angeles County Bar Association (4 years)
- Board Member, Counsel for Justice