

Harry W. R. Chamberlain II

Los Angeles, California
Shareholder

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Areas of Practice & Industry Specialties

Insurance Law; Products Liability; Appellate Law; Litigation;
Construction Law & Public Contracts



Harry Chamberlain is an experienced litigator who has represented Fortune 500 companies, public and private sector clients in complex litigation for 37 years. His trial and arbitration practice focuses on the representation of business, professional and public entity clients with special concentration in post-trial remedies, writs and appeals. He is certified as an Appellate Specialist by the California State Bar Board of Legal Specialization, having argued hundreds of appeals in state and federal courts across the country, including numerous cases before the California Supreme Court and the highest courts of other jurisdictions. He was named as a 2020 Southern California *Super Lawyer*.

Before joining Buchalter, Harry's experience included in-house practice as general counsel, and managing the law department of major U.S. liability insurers and financial service companies.

Harry serves on the Board of Trustees of the Los Angeles County Bar Association and has been an appointed member of the State Appellate Judicial Evaluation Committee. In 2016, he received LACBA's Volunteer Service Award as the Samuel L. Williams Outstanding Trustee. He is past president of the Association of Southern California Defense Counsel and California Defense Counsel, preeminent regional associations of civil defense trial attorneys.

In addition to his trial and appellate practice, Harry is often engaged as an expert witness on matters involving professional liability, legal ethics, attorney fees and insurance issues. He lectures and writes extensively on a variety of topics concerning complex litigation, appellate practice, First Amendment rights, and alternative dispute resolution.

Representative Matters

- *Parrish v. Latham & Watkins LLP* (Cal. Supreme Court S228277, oral argument pending June 2017) (amicus): (1) Does an action for malicious prosecution by former employees against their employer's attorneys fail to prove lack probable cause under the "interim adverse judgment" rule based on denial of a pretrial motion for summary judgment, even if the trial court later found that the employer's action had been brought in bad faith? (2) Is the former employees' action barred by the one-year statute of limitations in Code Civ. Proc. § 340.6?
- *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): The one-year statute of limitations for actions against an attorney (Code Civ. Proc. § 340.6) applies to a former client's claim for reimbursement of unearned attorney fees advanced in a lawsuit if the claim is related to performance of a "professional obligation"
- *Healthsmart Pacific, Inc. v. Kabateck* (2016) 7 Cal.App.5th 416: \$60 million defamation suit was an improper SLAPP motion 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 that her husband's attorneys mishandled a class action settlement – 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" patients for medical fees owed by their HMO
- *Mayer v. L&B Real Estate* (2008) 43 Cal.4th 1231: Property owner's Due Process right to set aside an invalid tax sale does not expire until possession is "disturbed" by 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 stadium lease 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. Northern Inyo County Hosp. Dist.* (2006) 39 Cal.4th 192 (amicus): Anti-SLAPP statute applies to disciplinary decisions by a hospital peer review committee
- *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 legal fees if they prevail
- *Viner v. Sweet* (2003) 30 Cal.4th 1232 (amicus): A client suing for legal malpractice must prove a more favorable outcome would have resulted "but for" the lawyer's negligence
- *Musser v. Provencher* (2002) 28 Cal.4th 274 (amicus): Attorneys may seek indemnification for co-counsel's errors 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 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 decide 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 for "spoliation of evidence" under California law
- *Parsons v. Crown Disposal Co.* (1997) 15 Cal.4th 456: Waste disposal company has no liability to a horseback rider for noises made during 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
- *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

- 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 Professional 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
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Bar Admissions

- California
- District of Columbia
- North Carolina

Court Admissions

- Supreme Court of the United States