

## Harry W.R. Chamberlain II

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Harry Chamberlain is an experienced litigator who has represented Fortune 500 companies, public and private sector clients in complex litigation for 35 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.

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

Harry serves on the Board of Trustees of the Los Angeles County Bar Association and is an appointed member of the State Appellate Judicial Evaluation Committee. He is past president of the Association of Southern California Defense Counsel and California Defense Counsel, the 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 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

- **Cal. Supreme Court (pending)** *Lee v. Hanley* (2014) 227 Cal.App.4th 1295, Cal. Supreme Court review granted (Oct. 10, 2014, No. S220775) (amicus): Does the one-year statute of limitations for actions against an attorney (Code Civ. Proc. § 340.6) apply to a former client's claim for reimbursement of unearned attorney fees advanced in connection with a lawsuit?
- **Cal. Supreme Court (pending)** *Winn v. Pioneer Medical Group, Inc.* (2013) 216 Cal.App.4th 875, Cal. Supreme Court review granted (Aug. 14, 2013, No. S211793) (amicus): Does aggravated "neglect" within the meaning of the Elder Abuse Act require plaintiff to show that the defendant health care provider had a "custodial relationship" with the elder patient?
- *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 implicated free speech and petition rights in representing "actual clients" – 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" patients for 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 invalid tax sale does not expire until possession is "disturbed" by a valid notice of sale
- *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

- *Ramalingam v. Thompson* (2007) 151 Cal.App.4th 491 (amicus): Litigation privilege bars malpractice claims relating to a jointly-retained forensic accountant's opinion and testimony
- *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): "Spoliation of evidence" is not a tort
- *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 and Presentations**

- "The Seven Deadly Sins: Why Lawyers Get Stung by Juries in Legal Malpractice Cases" American Board of Prof. Liability Attorneys, L.A. County Bar Assn., Consumer Attorneys of California, Alabama State Bar Assn., 1996 – present
- "Advanced Appellate Practice Roundtable" Pincus Cont. Legal Ed., 2012
- "Mediation Confidentiality and Professional Liability" West Cont. Legal Ed., 2011
- "Out of Balance: 'Balance-Billing' Unfairly Puts the Patient in the Middle" *OC Lawyer*, 2009
- "After The Meltdown: Do You Really Have Insurance Coverage?" Webinar, 2009
- "Anti-SLAPP: It's Not Just for Defamation Anymore" Assn. of Def. Counsel No. Cal., 2008
- "Tactical Advantage? The Do's and Don'ts of Summary Adjudication" CAALA Vegas, 2006
- "Real Lawyers Don't Mediate ... And Other Urban Legends" Cal. CEB, 2005 Verdict, 2006

#### **Professional Affiliations**

- Member, California Bar (1980), North Carolina Bar (1992), District of Columbia Bar (1993)
- Admitted to practice before the United States Supreme Court
- Member, State Appellate Judicial Evaluation Committee, 2011 – present
- Trustee, Los Angeles County Bar Association, 2013 – 2015
- Past President, California Defense Counsel, 2011
- Past President, Association of Southern California Defense Counsel, 2006

#### **Honors and Awards**

- Martindale-Hubbell, AV-Rated ("Preeminent") Insurance Law
- Southern California Super Lawyer, 2005 - present

**Education**

Mr. Chamberlain earned his J.D. at the University of California, Hastings College of Law where he was an editor of *Hastings Constitutional Law Quarterly* and justice (president) of Phi Alpha Delta Law Fraternity. He received his B.A. *summa cum laude* from San Diego State University.

**Areas of Practice**

Litigation  
Appellate  
Insurance Litigation

**Bar Admissions**

California  
District of Columbia  
North Carolina

**Court Admissions**

Supreme Court of the United States



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