

# Alan Jay Weil

*Partner*

310.272.7911  
ajweil@kbfirm.com



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 successfully litigated virtually every type 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.

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## 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

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## Clerkships

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

- Law Clerk, Hon. Homer Thornberry

## Representative Matters

### Legal Malpractice Defense

- Obtained terminating sanctions against plaintiffs for spoliation of evidence in favor of an international law firm in a legal malpractice action in which the plaintiffs sought millions in damages.
- Obtained summary judgment in favor of an international law firm in a legal malpractice action in which the plaintiff alleged that the law firm had a conflict and negligently drafted transaction documents in connection with the sale of an interest in a real estate partnership.
- Obtained summary judgment in favor of an international 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 confirmed in a judgment by the trial court 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. The judgment was confirmed on appeal and a petition for review by the Supreme Court was denied. Pursuant to a prevailing party fee provision in the engagement agreement between the prevailing law firm and the plaintiff, Mr. Weil collected almost \$10 million from the plaintiff in fees and costs in defending the law firm.
- Obtained dismissal of defamation claims by nonclients against an international law firm pursuant to the anti-SLAPP statute and an order for fees and costs, affirmed on appeal.
- Obtained dismissal of conversion, receipt of stolen property, and conspiracy claims against national law firm pursuant to the anti-SLAPP statute and an order for fees and costs as prevailing party.
- 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, an 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.
- Prevailed in action for breach of Talent Services Agreement for Olympic champion athlete against defendant and obtained prevailing party fee award based on indemnity provision in contract. Judgment affirmed on appeal and defendant ordered to pay fees and costs in both the trial court and on appeal.

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### 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

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### 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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### Kendall Brill & Kelly LLP

10100 Santa Monica Blvd.  
Suite 1725  
Los Angeles, CA 90067

310.556.2700 Telephone  
310.556.2705 Fax