



## **JAMES C. KRIEG**

### **PARTNER**

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**James C. Krieg** is one of the founding partners of Krieg, Keller, Sloan, Reilly & Roman LLP. Before forming KKSRR in 1998, Jim spent 21 years with Bronson, Bronson & McKinnon LLP.

Jim represents individuals and businesses in commercial litigation. One of his primary focuses is on defending lawyers in professional liability cases. He has been directly retained by many law firms, and has been approved as defense counsel for many legal malpractice insurers, including Lawyers Mutual, AIG, CNA, TIG, Kemper, Kempes, Travelers, Westport, Lloyd's, Lumbermen's, AIMRRG, Carolina Casualty, St. Paul and ALAS. He has defended hundreds of lawsuits against lawyers claiming professional errors and wrongdoing, including securities fraud, transactional malpractice, errors of judgment in trial and litigation, breaches of fiduciary duties, errors in preparation of contracts, conflicts issues, trusts and estates, tax, bankruptcy, and patent matters. He has also defended over 130 "extracontractual" or bad faith cases against carriers, including first and third party claims under directors and officers, professional liability, life, disability and other coverages.

Jim has tried jury and non-jury cases in state and federal courts and has served as an expert in professional liability and bad faith cases. He has been retained by bankruptcy trustees and the FDIC to investigate and evaluate professional liability claims, and has been appointed the tiebreaking director for professional corporations in dissolution by the Superior Court. He has lectured on ethics and law firm risk management.

### **Notable Engagements**

Given the area of practice, discretion precludes identifying clients by name. Following are examples of cases Jim has handled. Specific client references and names are available upon request.

- Defended national law firm based on the East Coast in federal court litigation brought by liquidating trustee against lawyers, national accounting firms, investment banks, and officers and directors, claiming that a spin-off of a publicly-traded company was fraudulent, causing over \$500 million in damages. Judgment entered for client law firm after court granted two motions to dismiss.

- Defended securities lawyers sued by receiver and bankruptcy trustee for allegedly facilitating a \$350 million 'Ponzi' scheme arising out of the collapse of a mortgage lending business in San Diego.
- Defended national law firm based in Philadelphia against \$60 million malpractice claim arising from alleged loss of critical documents, key evidence in underlying antitrust case. Summary judgment entered for client and appeal dismissed.
- Defended national law firm based in Los Angeles in litigation claiming that transactional lawyers failed to detect a stock split prior to closing an asset sale, resulting in client seller receiving less value in the transaction than promised. Plaintiff also claimed the law firm breached its fiduciary duty by hiding its own negligence. Nonsuit granted in favor of client after eight days of jury trial. Eventually settled.
- Defended national law firm based in Los Angeles in litigation claiming poor choice of legal theories and remedies in real estate litigation resulted in much greater expense and lower recovery to client. Plaintiff also claimed law firm had overstated its lawyers' trial experience and had improperly solicited the case. Summary judgment granted in defendant's favor.
- Defended national law firm based in New York in litigation claiming fraud, tortious interference with contractual relationships, and bad faith in connection with underlying patent disputes over hearing aid technology. Nonsuit granted in favor of clients one week into trial.
- Defended international security company in lawsuit claiming theft of trade secrets and raiding of operatives in the Middle East and Asia. Motion to dismiss granted in client's favor; appeal dismissed.
- Defended prominent professional liability defense firm claimed to have had conflict in representing multiple clients in defense case. Summary judgment granted in client's favor; affirmed on appeal.
- Defended lawyers sued for negligence in handling patent infringement litigation relating to braking device on in-line skates. Summary judgment granted in favor of defendant lawyers.
- Defended lawyers sued for accepting too low a settlement in a large construction defect case. Motion for summary judgment granted.
- Defended tax lawyer in lawsuit claiming he failed to adequately protect substantial estate's tax liability and concealed client's theft of estate funds. Judgment entered in client's favor after court trial.

- Defended tax lawyer in lawsuit claiming errors in advice to partners and corporate clients in connection with their sale of interests in gaming operation to an Indian tribe for conversion to full casino gambling.
- Defended national law firm based in Cleveland in claim arising from advice concerning wage and hour obligations to employees resulting in underlying class action lawsuits.
- Represented Canadian lawyers in securities litigation arising out of sales of securities in gold mining companies in U.S. and Canada. Case ordered dismissed by Federal Court on motion of defendants.
- Represented defendant bank in six-week jury trial involving alleged fraud and breach of oral promise for a construction loan to develop an industrial park. Verdict for client bank.
- Represented aircraft manufacturer in eight-week jury trial in product liability case arising out of a design defect claimed to cause the in-flight breakup of an aircraft. Verdict for manufacturer.
- Represented defendant insurance carrier in a trial arising out of a first party bad faith claim under a CGL policy. Defense verdict.
- Defended lawyers sued for mishandling litigation and related arbitration arising out of copyright and licensing disputes for software for medical applications.
- Defended tax lawyer accused of improperly commingling personal assets with those of trust where he was trustee and of entering business transactions with client without proper waivers in place.
- Defended lawyers accused of mishandling litigation involving tracts of farm land in San Joaquin Valley.
- Defended prominent personal injury lawyer in lawsuit claiming erroneous dismissal of potential target defendant in product liability case involving serious burn injuries.
- Defended lawyer in case involving alleged mishandling of a trial of fraud claims against his client resulting in multi-million dollar verdict against lawyer's client.
- Defended employment lawyer in case where former client claimed low verdict obtained due to failure to take discovery and properly present case.
- Defended lawyer accused of errors in preparing post-nuptial agreement resulting in damage to client upon divorce.

- Represented tax lawyer accused of professional errors in connection with tax treatment of leases for corporate jets.
- Defended lawyer in dispute over adequacy of trademark license agreements prepared for national franchise operation.
- Represented D & O carrier in bad faith case arising out of denial of coverage to insured telecommunications company based on claimed misrepresentation in warranty letter pursuant to which policy was issued.
- Retained as trial counsel to defend primary insurance carrier on directors' and officers' policies in a bad faith action brought by billionaire Kirk Kerkorian of MGM-Pathe Communications.
- Represented major California law firm in action by client claiming fraud and overbilling for legal services in connection with the leveraged buyout of a publicly traded company in the transportation industry.
- Defended a trust lawyer in action involving alleged imprudent investment practices, self dealing, and conflicts of interest while serving in the capacity of trustee of numerous trusts over a 20-year period.
- Defended major advertiser in breach of contract lawsuit by entertainer Billy Crystal. Represented producer of entertainment programming in lawsuit arising out of a dispute over ownership of programming for the largest interactive television test market in the United States.

## **Publications**

- "Practical Thoughts on Alternative Pricing," Association of Business Trial Lawyers Report (*July 1995*)

## **Speaking Engagements**

- "Where Have All the Trials Gone?", American Bar Association National Legal Malpractice Conference (*September 2008*)
- "Developments in the Law of Lawyering", American Bar Association Standing Committee on Lawyers' Professional Liability, National Legal Malpractice Conference (*September 2004*)
- "Ethical Dilemmas Facing Corporate Counsel--The Duty to Maintain Confidentiality," Bay Area General Counsel Group (*September 1998*)
- "Protecting Your Firm from Unwarranted Claims," Lecturer, Law Firm Profitability Institute and Cost Management Workshop (*July 1997*)
- "Understanding the Relationship Between Cost Accounting and Alternative Billing Arrangements," Lecturer, Best Practices in Law Firm Financial Management (*July 1996*)

- "Choosing the Best Form of Ownership for Your Firm--Pros and Cons of Partnerships, Professional Corporations and Limited Liability Entities," Lecturer, Law Firm Profitability Institute (*June 1995*)

## **Education**

- Boston University, J.D., cum laude (*1976*)
- Princeton University, A.B. (*1971*)

## **Admitted to Practice**

- California (*1977*)
- New York (*1977*)

## **Professional Affiliations and Activities**

- American Bar Association
- State Bar of California
- Defense Research Institute
- Federation of Insurance and Corporate Counsel (Professional Liability & Ethics Sections)
- Professional Liability Underwriting Society
- Named a *Super Lawyer* in business litigation in a survey published in San Francisco Magazine each year from inception in 2004 through 2010.
- Named in *Bay Area Lawyer Magazine* as one of the forty *Best Lawyers in the Bay Area* in commercial litigation in 2005, 2006, and 2007.
- Named one of the *Best Lawyers in America in Professional Malpractice Law* in 2010.