

Attorney Bio

Keith Smith is a trial lawyer known for his expertise in handling matters involving construction and real estate, employment, directors and officers, complex commercial litigation, personal injury and professional liability matters. Keith regularly represents residential and commercial builders, public and private owners and design professionals in complex construction law matters involving payment disputes, mechanic's lien, stop notice, bond claims, construction defects, delay, acceleration and inefficiency claims, extra work, differing site, changed condition and change order claims, construction site injuries, bid protests, debarment proceedings and False Claims Act disputes. As a compliment to Keith's construction practice, he is also an adjunct professor at the University of La Verne Law School, where he teaches California Construction Law.

Keith also handles a wide variety of employment law matters, including risk management and HR counseling, representation at EDD and pre-litigation agency hearings, and litigation of complex employment claims in court and in arbitration. These matters include wrongful termination, wage and hour, PAGA, discrimination, disability, and sexual harassment.

Keith has a large personal injury and catastrophic injury practice, handling large loss claims. These include traumatic brain injury, wrongful death, amputations and disfigurement claims. Keith acts as National Coordinating Counsel for a major motion picture studio for all personal injury claims nationwide, is regularly retained as monitoring counsel by insurers to oversee and then take to trial large exposure claims, and handles all types of injury claims for motor carriers. Keith also handles national claims for Legionnaires' disease and is regularly called upon to address outbreaks and risk prevention for his clients.

Keith litigates a diverse group of professional liability claims, including the representation of attorneys, home inspectors, public adjusters, real estate professionals, veterinarians, architects, engineers, and surveyors.

Education

California Western School of Law (J.D., 2006)

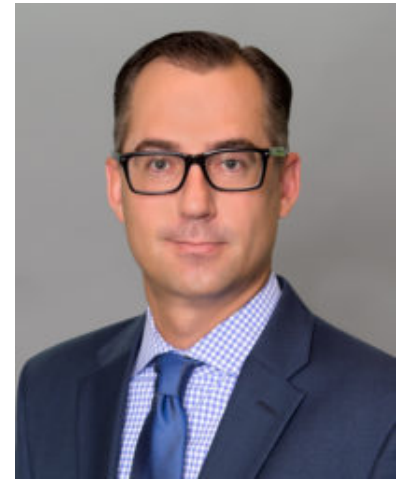
University of California, San Diego (B.A., 2002)

Licensed to Practice in:

California

Keith E. Smith

Partner



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Practice Areas

Construction

- Prosecution and defense of claims for delay, liquidated damages, acceleration and inefficiency.
- Defense of residential, commercial, and public owners and general contractors in complex, multi-party construction defect matters.
- Prosecution and defense of mechanic's lien, stop notice, and bond actions.
- Prosecution and defense of change order and extra work claims.
- Representation of design professionals in claims of professional negligence in design and observation.
- Representation of owners and general contractors in contract termination and default disputes.
- Transactional work, including negotiation and drafting of requests for proposal and bid documents, prime contracts, subcontracts, design professional agreements, and surety agreements.

Directors and Officers (D&O) Litigation

- Defense of officers and directors from claims of breach of fiduciary duty and shareholder claims to disputes involving franchisors and franchisees.

Employment

- Defense of wrongful termination, discrimination, disability, sexual harassment, and sexual orientation claims in state and federal court and arbitration.
- Defense of wage and hour, overtime, missed meal break, and PAGA claims.
- Representation of employers in DFEH, EEOC and EDD agency investigation and hearings.
- Preventative HR counseling and guidance to employers relating to all aspects of the employee/employer relationship including, but not limited to, lawful hiring and firing procedures, wage and hour compliance, employee discipline and discharge, claim investigation and documentation, and compliance with state and federal laws.

Hospitality

Legionnaires'/Infectious Disease

- Defense of claims for Legionellosis (e.g., Legionnaire's disease and Pontiac Fever) due to exposure to Legionella by guests of hotels, hospitals, cruise ships and other facilities.
- Defended hundreds of claims in multiple states in state and federal court due to alleged exposure to Legionella at a wide variety of properties.
- Regularly speaks on the topic and hired by the largest hospitality companies in the nation to address outbreaks and risk management.

Mass Torts and Class-Action Defense

- Defense of businesses and individuals against class action claims in state and federal court, including habitability and other claims arising out of the landlord-tenant relationship, consumer fraud, residential construction defects, and violations of California Business & Professions Code § 17200.
- Defense of product manufacturers against toxic tort and product liability claims.
- Handles a wide array of complex, multi-party actions in both state and federal court.

Professional Liability

- Defense of attorneys in legal malpractice and state bar complaints.
- Defense of home inspectors, termite companies, and real estate professionals in the sale and inspection of real estate.
- Defense of public adjusters, insurance brokers, and claim professionals.
- Defense of veterinarians and veterinary hospitals.
- Defense of architects, engineers, and surveyors.

Public Entity Defense

- Representation of public entities in all aspects of litigation including construction claims and disputes, occupational exposure, bodily injury and wrongful-death actions.
- Handling of matters in closed session under the Brown Act.
- Defense of public entities in dangerous condition of public property claims, design claims, and premises liability actions.
- Defense of personal injury actions stemming from roadway construction and design.

Real Estate and Land Use

- Representation of residential homebuilders in defense of federal class action claims for fraud and unfair trade practices in sale of real estate.
- Prosecution and defense of title actions, including easement and boundary disputes, lien claims, and foreclosures.
- Representation of real estate agents and brokerages in the day to day transactions, disputes, and risk management involving residential real property.
- Workouts on large commercial projects involving defunct owners with multiple pending stop notice and mechanic's lien claims.
- Work with receivers and takeover general contractors to complete failed construction projects.
- Representation of residential homebuilders in securing and releasing entitlements, subdivision improvement agreements, and bonds.

- Draft and review CC&R's, SB 800 compliance documents, and purchase and sale agreements.
- Representation of owners and tenants in negotiation and drafting of commercial leases and litigating commercial lease disputes.
- Defense of property owners and managers against bodily injury and third party premises liability claims.

Transportation

- Representation of bus companies in accidents involving automobiles, pedestrians, motorcyclists and bicyclists.
- Defense of catastrophic injury claims stemming from collisions, including traumatic brain injury, vegetative state, and wrongful death claims.
- Defense of motor carriers involved in collisions throughout state and federal court.
- Familiarity with the Federal Motor Carrier Safety Regulations and their impact and use in litigation.
- Monitoring counsel for excess carriers on high exposure matters.
- Retention as trial counsel at the 11th hour to handle transportation matters.

Trial & Appellate Results

- [*WSHB Verdict: WSH&B Prevails in Landmark Multi-Home SB 800 Jury Trial*](#)

Awards & Accomplishments

- Super Lawyers Rising Star, 2015 - 2016

Publications

- [*WSHB New Case Update: School District's Wrongful Withholding of Retention Results in Penalties and Attorney's Fees*](#)

Memberships

- Adjunct Professor of California Construction Law, University of La Verne Law School
- California Building Industry Association, Member
- AGC of California, Member
- Council on Litigation Management, Construction Committee, Member
- California's Coalition for Adequate School Housing (CASH), Member
- Construction Management Association of America (CMAA), Member

Community Activities

- Board of Directors for the March of Dimes (Inland Empire Chapter)
- Event Chair, March of Dimes March for Babies Walk 2013