



Joel Zeldin

SENIOR COUNSEL

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AREAS OF EXPERTISE

Professional Liability, Real Estate, Fiduciary Duty/Shareholder & Partnership Disputes, Litigation, Government Representation

Overview

Mr. Zeldin is a litigator with extensive experience in trials and other court proceedings, arbitrations, and mediations. He specializes in general business litigation, including contract disputes, real estate-related matters, business torts, business entity governance and dissolution matters. He also specializes in the representation of lawyers in all professional and business contexts. He has extensive experience in both state and federal courts, at the trial and appellate levels.

Experience

Mr. Zeldin has handled nearly every type of real estate litigation matter, especially contract disputes concerning the purchase, sale, and leasing of real property. He has represented title insurance companies in major suits alleging escrow negligence, breach of a title policy, and real estate-related fraud. He has resolved numerous disputes through transactional solutions involving the sale or lease of real property.

A significant portion of Mr. Zeldin's practice includes the representation of lawyers in malpractice, fraud, securities, and trustee cases, the dissolution of and disengagement from law practices, and extrication from failed investments. He has also defended lawyers in sanctions proceedings and in disciplinary proceedings before the State Bar.

Mr. Zeldin has litigated many disputes involving corporate, limited liability company, or partnership governance. He has litigated two disengagements of adverse second generation family members from successful family real estate empires. He has represented officers and directors accused of wrongdoing. He has also defended class actions and derivative suits.

Mr. Zeldin's clients have included entrepreneurial individuals, many small and medium-sized businesses, a number of publicly-traded companies, real estate developers and investors, institutional lenders and borrowers, litigants suing public entities and public entities being sued, law firms of all sizes and specialties, and some of the best lawyers in California.

Mr. Zeldin's philosophy of litigation is: focus on the most effective way to achieve the client's objectives in the shortest possible time. Be as imaginative, creative and aggressive as the facts and law allow.

Mr. Zeldin's recent cases have included:

- On behalf of a Native American tribe, defeated a \$68 million claim by its former casino manager in a multi-week arbitration that involved a myriad of issues arising from the closure of the casino during the COVID epidemic and the subsequent re-opening at less than full capacity. The largest and central claim sought money damages against the tribe on the theory that the management contract term should have been extended, generating additional management fees for the management company. The management company recovered no damages on that claim, and resolution of the other issues was mixed, with some favoring each party.
- Secured favorable settlement of a \$23 million claim in a dispute initiated by the managing partner of a real estate investment partnership against our client, the partner who provided the financing. As a result, the financing partner paid a sum that approximated the anticipated cost of defense and received sole ownership of all of the partnership's real estate assets.
- Successfully defeated claim by a predatory promoter for \$43 million of casino revenues on behalf of a Native

- American tribe after two month arbitration presided over by three of JAMS' most experienced retired judges.
- After securing Court of Appeal reversal of trial court's denial of a petition to compel arbitration, prevailed in arbitration on behalf of ground lessor against ground tenant under long-term lease of real property worth over \$100 million. Arbitrator awarded every penny of attorneys' fees and costs.
 - Secured dismissal of law firm from a \$400 million suit for breach of trust.
 - Secured dismissal of a law firm from an \$800 Million class action fraud suit.
 - Won a \$3 Million jury verdict plus attorneys' fees on behalf of real estate brokers who were owed a commission on a high-tech campus transaction, while defeating claims of fraud and breach of fiduciary duty against those brokers.
 - Resolved a long-term ground lease dispute in Texas by selling the leased property to the tenant for \$5.5 Million.
 - Obtained dismissal by motion in favor of a law firm that was sued for \$60 Million.
 - Secured exoneration and dissolution of an order to show cause against lawyers in the Qualcomm sanctions case.
 - Successfully defended a lawyer against accusations that he breached duties and secured a large arbitration Award in the lawyer's favor on a related business transaction.
 - Turned defense of a \$12 Million claim by one venture capital firm against another into a \$4.5 Million judgment against the complaining party.
 - Successfully reversed adverse interim Awards and then obtained favorable Award for commercial landlord in baseball-style rent adjustment arbitration, adding over \$8 Million of present value to the lease.
 - Won \$80 Million arbitration on behalf of one founder of publicly traded mortgage brokerage company against the other founder and received \$3 Million attorneys' fees award.
 - Secured \$8 Million judgment for secured creditor after court trial.

Publications/Speaking

Mr. Zeldin taught a trial practice-type class and a class on alternative dispute resolution at Boalt Hall School of Law (now BerkeleyLaw) at the University of California at Berkeley for 20 years. He has authored and co-authored extensive teaching materials on litigation strategies and techniques as well as administrative and public interest law. His publications include "Choosing Between Federal and State Court" (ABTL Report, Vol. 2, No. 1, November 1992); and "[The Ten Commandments for Avoiding a Fraudulent Real Estate Transaction](#)" (California Land Title Association Claims Awareness Hot Sheet, Vol. 10, No. 3, June 1999; republished in April 2006 in Click San Diego Real Estate).

He has lectured for Continuing Education of the Bar, the Federal Practices Institute, and the Practicing Law Institute for many years on civil procedure, evidence, and federal practices. He has conducted seminars and given guest lectures for various law school and continuing education programs on settlement strategies and techniques. His recent speaking engagements include presentations on:

- "Ethical Issues for Litigation and Transactional Lawyers" for a San Francisco law firm;
- "Ten Best Habits to Avoid Malpractice" for the Association of Business Trial Lawyers;
- "Ethical Issues in E-Discovery" at BerkeleyLaw;
- "How To Survive Every Lawyer's Worst Nightmare" at the Stanford Law School's Ethics Institute;
- "The Qualcomm Sanctions: Revisiting and Looking Forward" for the Bar Association of San Francisco;
- "Qualcomm Resolved: By the Lawyers Who Ended A Lawyer's Worst Nightmare" for the Association of Business Trial Lawyers;
- "Litigation in a Joint Venture Context" for Law Seminar International for the Real Estate Joint Ventures Funds Conference;
- "Improving Mediation and Arbitration" to Judicial Arbitration and Mediation (JAMS)/Endispute;

- “Zen and the Art of Representing Lawyers When A Conflict With Their Client Emerges in Ongoing Litigation” to MPC Claims Committee Symposium;
- “Using the Deposition at Trial” for Practicing Law Institute.

4.2.19 / Media

Are law firms invoking obscure contractual clauses to delay lateral moves? Or does it just seem that way?

11.16.18 / Media

National Exclusive: Former Sen. Barbara Boxer’s Son and California Powerbroker Found Bilking Indian Tribe

Professional Activities

Mr. Zeldin is a member of the American Bar Association, Bar Association of San Francisco, and the Association of Business Trial Lawyers of Northern California, and has served as a Judge *Pro Tem* in the San Francisco Superior Court’s Early Settlement Program.

Education

University of California at Santa Barbara
 B.S. degree with honors in Business-Economics, 1968
 University of California – Berkeley, School of Law
 J.D. (Order of the Coif), 1971
 Clerked for Chief Justice Donald R. Wright
 California Supreme Court, 1971-72
 Georgetown University Law Center,
 Institute for Public Representation
 L.L.M. Degree
 Ford Foundation Fellow, 1972-73

Admissions

California State Bar
 District of Columbia (Inactive)
 All California State Courts
 U.S. District Court for the Northern, Eastern, Central Districts and Southern Districts of California
 Ninth Circuit Court of Appeals
 Federal Circuit Court of Appeals
 United States Supreme Court

Accolades

Mr. Zeldin has been chosen as a “Super Lawyer” in Business Litigation by the Northern California *Super Lawyer* magazine every year since 2005, and in 2017 Super Lawyer named him as a Top 100 Lawyer in Northern California. Mr. Zeldin has been listed as one of *The Best Lawyers in America* in Commercial Litigation and Bet-The-Company Litigation every year since 2008, as well as in Real Estate in some years. He is AV Preeminent certified by Martindale-Hubbell peer review rating system.



