

KIRSTEN HICKS SPIRA, Partner

Kirsten Spira co-chairs Jenner & Block's nationally recognized Professional Responsibility Practice and is also a member of the firm's Complex Commercial Litigation and Labor and Employment Practices. She is a trial attorney with extensive experience litigating professional liability matters, employment claims, class actions, and commercial disputes. She has tried jury and bench trials, arbitrated cases to judgment, and successfully argued cases before the California Court of Appeal and the United States Court of Appeals for the Ninth Circuit.

Ms. Spira regularly represents national and international law firms in a wide variety of complex matters, including malpractice actions, disqualification motions, employment disputes and "aiding and abetting" actions brought against law firms by non-clients. She is certified by the California State Bar as a specialist in legal malpractice. In 2021, Ms. Spira was appointed as Chair of Los Angeles County Bar Association's Professional Responsibility and Ethics Committee. Ms. Spira regularly writes and lectures on professional responsibility matters.

Ms. Spira's employment practice includes litigating claims alleging harassment, age discrimination, gender discrimination, race discrimination, disability discrimination, and retaliation. She litigates claims involving independent contractors, executive employment agreements, non-compete covenants, as well as wage-and-hour disputes.

Ms. Spira also represents clients in an array of complex commercial disputes, including class actions. She recently led a team that successfully defeated class certification on behalf of an automobile manufacturer, arbitrated a real estate partnership dispute to conclusion, and prevailed on an anti-SLAPP motion in an alleged Ponzi Scheme case.

Ms. Spira is a member of the Association of Business Trial Lawyers, the Hispanic National Bar Association, Mexican American Bar Association, and the Los Angeles County Bar. She chairs Jenner & Block's West Coast Multi-Cultural Forum and is a member of the firm's Women's Forum and Hispanic Forum.

Ms. Spira is involved in several pro bono and community service programs. She supervises the firm's extensive work with the Alliance for Children's Rights pursuant to which the firm provides legal services for families adopting children from the foster care system, has served as an adult literacy tutor with the Central Los Angeles Public Library, and has represented survivors of domestic violence in Los Angeles Superior Court and before the California Court of Appeal.

Professional Liability

- Obtained dismissal at pleading stage of malpractice claims brought by alleged implied in fact client, and successfully defended dismissal on appeal.



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LOS ANGELES

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PRACTICE GROUPS

Complex Commercial Litigation
Labor and Employment
Litigation
Professional Responsibility

EDUCATION

University of California, Berkeley - School of Law, JD; Member, *California Law Review*

University of California, Berkeley, BS

ADMISSIONS

California

COURT ADMISSIONS

US District Court, Central District of California

US District Court, Northern District of California

US District Court, Eastern District of California

US Court of Appeals, Second Circuit

US Court of Appeals, Fifth Circuit

US Court of Appeals, Ninth Circuit

- Represented numerous law firms in defense of malpractice, breach of fiduciary duty and breach of contract claims arising out of business transactions and prior litigation.
- Represented an international law firm in a malpractice action brought by the bankruptcy trustee for the estate of Heller Ehrman LLP.
- Represented an *AmLaw* 50 firm in a malpractice action arising from probate advice provided by a former partner.
- Represented a law firm in an investigation and defense of claims involving over-billing allegations.
- Successfully defeated motion to disqualify large, international law firm defending motion picture studio and producers of a film in litigation involving defamation and copyright claims.
- Obtained the dismissal of a partner in a large law firm who had been individually named in a fraud action, based on a successful anti-SLAPP motion.
- Represented a law firm in a third-party action in a putative class action involving a high-value real estate transaction.
- Represented numerous law firms in connection with threatened or filed motions to disqualify based on alleged conflicts of interest.

Complex Commercial Litigation

- Successfully arbitrated a partnership dispute in which the parties each claimed more than \$6 million in damages.
- Trial counsel for a major insurance carrier in a CERCLA action involving tens of millions of dollars in clean-up costs. Won a liability verdict against the US Government in phase one of the trial, and won an allocation award against the government of 40% of future clean-up costs and more than \$2 million in past costs in the trial's second phase.
- Arbitrated a dispute over an "earn-out" provision in a purchase agreement resulting in a \$40 million award for a client and successfully defended the arbitral award from collateral attack.
- Represented a commercial landlord in a lease dispute in which the tenant agreed to pay all of the landlord's alleged damages and attorney's fees prior to trial.
- Won a summary judgment for an insurance carrier in a published opinion involving novel issues concerning interpretation of a commercial crime fidelity policy (*Tesoro Ref. & Mktg. Co. v. Nat'l Union Fire Ins. Co. of Pittsburgh*, 96 F.Supp.3d 638 (W.D. Tex. April 7, 2015)) that was recently affirmed by the Fifth Circuit.
- Defended two complex lawsuits alleging fraud and breach of fiduciary duty arising from a joint venture waste-by-rail landfill project.
- First chaired LA County Superior Court breach of contract jury trial in real estate dispute on behalf of plaintiff and cross-defendant, obtaining 12-0 jury verdict. Unanimous jury verdict followed by successful "alter ego" court trial that permitted enforcement of plaintiff's judgment against certain individuals.
- Second-chaired personal injury action brought against Orange County and obtained seven-figure settlement before verdict.

Employment Litigation

- Represented an *AmLaw* 50 firm in a variety of employment-related disputes.
- Defended several putative wage and hour “class” actions, most recently defeating a class certification motion.
- Defended a wide variety of companies in numerous actions alleging sexual harassment and/or discrimination based on disability, pregnancy, race and/or ethnic origin.
- Defended FEHA actions and other claims brought against a company—following a reduction in its workforce—by more than 50 individual plaintiffs in 12 separate lawsuits for alleged discrimination based upon their national origin.
- Represented two plaintiffs in a sexual harassment suit involving high-profile sports figures.
- Prevailed at the trial level and before the California Court of Appeal in a lawsuit alleging claims for discrimination and retaliation. The judgment was affirmed in *Fernandez v. Waste*, 2005 WL 1090305 (Cal. App. 2d Dist.).

Entertainment Litigation

- Represented a multinational corporation in litigation against a studio alleging breach of a product placement contract valued at more than \$50 million.
- Represented a film distributor in several separate actions against a major studio arising out of various accounting disputes.
- Defended a film distributor in an action seeking to enjoin a movie release based on allegations of fraud, breach of contract and conspiracy.
- Represented television producers in an “idea submission” case involving significant alleged damages.
- Represented a reality television producer in several separate matters involving disputes with celebrities.

Awards

- *Daily Journal*
Top Women Lawyers, 2022
- *Daily Journal*
Top Professional Responsibility Lawyer, 2022
- *Los Angeles Business Journal*
Qualified Nominee, Women’s Leadership Awards - 2021
- *Southern California Super Lawyers*
Business Litigation, 2006-2007, 2009-2016

Service to the Bar

- Professional Responsibility and Ethics Committee (PREC), Los Angeles County Bar Association
Chair
- American Bar Association
Litigation Section, Member
A Lawyer’s Professional Liability Consortium, Member

- Association of Business Trial Lawyers, Member
- California Bar Association, Litigation and Employment Sections, Member
- Hispanic National Bar Association, Member
- Mexican American Bar Association, Member

Professional Associations and Affiliations

- California State Bar Certified Specialist in Legal Malpractice

Publications

- "Technology Competence is Now an Ethical Issue," Los Angeles County Bar Association's *Update*, August 6, 2021
- "When Your Witness Lies: Considering Rule of Professional Conduct 3.3," Los Angeles County Bar Association, October 2, 2020
- Co-Author, "Pirate's Booty – Johnny Depp's Lawyers Walk the Plank: A Cautionary Tale for all Entertainment Lawyers," Association of Business Trial Lawyers' *Report*, Winter 2020
- Co-Author, "Dating Your Co-Workers? Considering the Effect of Rule of Professional Conduct 1.8.10 for In-House Counsel," Los Angeles County Bar Association's *Update*, April 2019
- Co-Author, Client Alert, "Are Advance Conflict Waivers Dead in California, and What Are the Penalties for Proceeding with an Unenforceable Advance Waiver? A Look at *Sheppard Mullin*," September 5, 2018
- Co-Author, "The Thorny Question of Mediation Confidentiality and Legal Malpractice," Los Angeles County Bar Association's *Update*, April 6, 2018
- Co-Author, "Damages by Any Other Name: UCL 'Restitution' Models," *Daily Journal*, December 11, 2017
- Co-Author, "Are Communications With A Law Firm's In-House Counsel Privileged?" *ABTL Report*, Summer 2017
- "Employment Update – California Supreme Court Issues Opinion on Employer Meal and Rest Break Obligations.," April 12, 2012

Speaking Engagements

- Co-Presenter, "Being a Resilient Lawyer in Challenging Times," Jenner & Block 2021 CLE Relay., May 07, 2021
- "Telling the Story Ethically," American Academy of Matrimonial Lawyers, January 20, 2020
- "New Rules of Professional Conduct Go into Effect Later This Year – Are You Ready?" Los Angeles County Bar Association, October 25, 2018