



## Neil R. Bardack

### Partner

As a litigator, Neil has been lead counsel in a substantial number of court and jury trials, appeals and arbitrations in state and federal courts in the areas of legal malpractice defense, technology, securities, fiduciary fraud, corporate and business disputes, real estate and natural resources involving environmental, water and oil and gas.

He is a longtime and skilled arbitrator with more than 40 years on the American Arbitration Association Commercial-Panel, arbitrating business, real estate, technology and securities disputes. Neil also serves as a settlement officer and Pro Tem Judge for the San Francisco Superior Court. He also serves as Assistant General Counsel for the firm.

Neil has broad transactional experience. He served as outside general counsel to a publicly-held technology company handling all manner of litigation, contract and securities issues. He negotiated leases and structured gas drilling programs, as well as lease terminations and field remedial work. Additionally, he represents several prominent cooperative apartment corporations.

#### Published Decisions

*United States v. Truckee-Carson Irrigation District*, 723 F.3d 1029 (9th Cir. 2013)

*United States v. Truckee-Carson Irrigation District*, 2011 U.S. Dist. LEXIS 116239 (D. Nev. 2011)

*United States, et al. v. Bell, et al.*, 602 F.3d 1074, 1087 (9th Cir. 2011).

*United States v. Truckee-Carson Irrigation Dist.*, 429 F.3d 902 (9th Cir. 2005)

*As You Sow v. Conbraco Industries*, 135 Cal.App.4th 431 (1st Dist. 2005)

*United States v. Orr Water Ditch Co.*, 391 F.3d 1077 (9th Cir. 2004)

*Zack v. Marin Emergency Radio Authority*, 118 Cal.App.4th 617 (1st Dist. 2004)

*Mateel Environmental Justice Foundation v. Edmund A. Gray Co.*, 115 Cal. App.4th 8 (1st. Dist. 2003)

#### San Francisco

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#### Practices/Industries

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Appellate

Litigation & Dispute Resolution

Business Litigation

Environmental Law

## Publications

- "Attorneys, Clients, Constructive Knowledge, and Malicious Prosecution," *Appellate Insight* (July 2020)
- "Calif.'s Post-Sanchez Unconscionability Doctrine," co-author, *Law360* (September 2015)
- "The State Of Arbitration Enforcement In California," co-author, *Law360* (April 2014)
- "In Practice: Supreme Court Strengthens 'Concepcion'," *The Recorder* (August 2013)
- "Renewed Attention to Arbitration Agreements," *CALA Legal Update* (April 2012)
- "Impact of Recent Supreme Court Arbitration Decisions on Enforceability of Health Care Arbitration Provisions in California," *Hanson Bridgett Litigation Alert* (March 2012)
- "Drafting Commercial Arbitration Clauses," *Hanson Bridgett Litigation Alert* (March 2012)
- "Navigating Unconscionability Post-Concepcion," *Law 360* (December 2011)
- "What Executives and General Counsel Need to Know about Drafting ADR Provisions in Contracts," chapter author, *STRAIGHT FROM THE TOP: Leading ADR Lawyers Discuss Best Practices for Alternative Dispute Resolution* (October 2011)
- "Jury Waiver Through Arbitration and Judicial Reference," co-author, *The Marin Lawyer Newsletter* (October 2011)
- "Do's and Don't's on Maximizing Arbitration," *The Daily Journal* (October 2011)
- "Arbitration? Let's Review," *Cal Law* (February 2009)
- "California Supreme Court Clears the Way for Increased Judicial Review of Arbitration Awards," *The Bar Association of San Francisco Bulletin* (February 2009)
- "Selected Panelist and Contributor to Contract Negotiations and Preparation in the Oil and Gas Industry: Drafting Complete and Unambiguous Agreements," *Lorman Education Services* (2005)

## Blog Posts

- "Settlements, Consent, and Final Settlement Agreements," *Appellate Insight* (November 2019)
- "Court: Arbitration Agreements That Waive Injunctive Relief Under CA Consumer Statutes Are Unenforceable," *HB Briefly* (April 2017)
- "Baral v. Schnitt: The Roadmap For Anti-SLAPP Motions Has Dramatically Changed," *HB Briefly* (August 2016)
- "When Drafting An Arbitration Clause, Check Case Law First," *HB Briefly* (June 2016)
- "Federal Court: Discovery Sanctions Mooted Upon Settlement," *HB Briefly* (May 2016)

"CA Supreme Court Enforces Broad, Non-Negotiable Arbitration Clause In Employment Agreement," *HB Briefly* (March 2016)

"CA Court Shields Prelitigation Communications Between Parties," *HB Briefly* (February 2016)

"SCOTUS: Rail Company Selling Tickets In U.S. Entitled To Foreign Immunity," *HB Briefly* (December 2015)

"Filing Electronically? Why You Should Regularly Check The Docket," *HB Briefly* (March 2015)

"Court of Appeals Strikes Exception to Arbitration," *HB Briefly* (December 2014)

"How to Tell the Difference Between Negotiations and Extortion," *HB Briefly* (September 2014)

### **Presentations**

"Mediation in the United States," webinar, Globalaw Dispute Resolution Initiative (February 2016)

### **Honors & Awards**

California Lawyers Association, Wiley W. Manuel Pro Bono Legal Services Award (2019–2021)

Top Rated Lawyers - San Francisco's Legal Leaders, San Francisco Chronicle (2015)

Top Rated Lawyers™ in Appellate Law; Martindale-Hubbell® (2013)

Top Rated Lawyers™ in Energy, Environmental and Natural Resources; Martindale-Hubbell® (2013)

San Francisco's Top-Rated Lawyers (2012)

Martindale-Hubbell AV® Preeminent™ Rating

Northern California Super Lawyers (2004-2006)

### **Professional Affiliations**

Mandatory Settlement Conference Panel of San Francisco Superior Court, Settlement Conference Officer

San Francisco Superior Court, Judge Pro Tem-Unlawful Detainer Settlement Panel

American Bar Association

American Bar Foundation, Fellow

San Francisco Bar Association Fee Dispute Panel

Association of Business Trial Lawyers of Northern California

## **Education**

J.D., University of California, Hastings College of the Law (1970)

A.B., *cum laude*, University of Southern California (1967)

## **Admissions and Courts**

California

Supreme Court of the United States

U.S. Court of Appeals for the Ninth Circuit

U.S. District Court for the Northern District of California

U.S. District Court for the Eastern District of California

## **Languages**

Spanish