

Serving the Inland Empire in Southern California

Lester & Cantrell, LLP is a boutique civil litigation law firm dedicated to protecting the interests of insurers, self-insured entities and other businesses throughout the counties of Riverside, San Bernardino, Los Angeles, San Diego, and Orange.

Founding members Mark Lester and David Cantrell, who oversee a growing team, are both AV Preeminent® Peer Review Rated by Martindale-Hubbell. They are currently the only two attorneys in Riverside County who are Certified Specialists in Legal Malpractice Law by The State Bar of California Board of Legal Specialization.

Leading practices areas within the firm include:

- Professional Liability / Legal Malpractice
- Employment Practices Liability
- Construction Litigation
- General Liability

Trial Attorneys Available to Go to Court on Short Notice

First and foremost, Lester & Cantrell is a team of trial attorneys. Members of the firm are well known in the courts and legal community across the Inland Empire.

Many clients come to Lester & Cantrell after working with other law firms in the pre-trial stage. The firm welcomes attorney referrals or panel counsel assignments at any time, even on the doorstep of trial.

As experienced litigators, Lester & Cantrell lawyers know how to manage complex discovery, build compelling cases and diligently represent clients in all forms of dispute resolution, including jury and non-jury trials. When circumstances favor negotiation or settlement, members of the firm strive to resolve matters through direct negotiation and alternative forms of dispute resolution, such as mediation and binding arbitration.

Lester & Cantrell Value Statement

Lester & Cantrell offers strategic counsel and tenacious representation, with a deep commitment to the following qualities.

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|-------------|--------------|-------------|
| • Character | • Excellence | • Integrity |
| • Ethics | • Honesty | • Value |

Experienced Panel Member for Carriers and Self-Insured Entities

Founded on big-firm experience and credentials, Lester & Cantrell brings the fast-acting responsiveness of a boutique firm to all panel assignments. We welcome your consideration.

AREAS OF PRACTICE

Professional Liability Litigation

A core practice area at Lester & Cantrell is the defense of professionals, including:

- Accountants
- Architects and design professionals
- Insurance agents and brokers
- Lawyers
- Physicians, dentists and chiropractors
- Real estate agents and brokers

Mark Lester and David Cantrell both are certified by The State Bar of California Board of Legal Specialization as specialists in legal malpractice law. This is a distinction that has been earned by fewer than 100 of the 186,000 active lawyers throughout the state.

Many professional liability cases handled by the firm have been tried to a verdict in jury and non-jury trials. When litigation avoidance is preferred to minimize reputational harm, the firm seeks to resolve disputes through negotiation, arbitration or settlement.

Law firms ranging from solo practitioners to hundreds of attorneys are among the firm's clients. The underlying legal services resulting in allegations of legal malpractice include but are not limited to tax court litigation, municipal law, corporate matters, family law and general civil litigation.

Lester & Cantrell also counsels professional clients facing ethical dilemmas or licensing matters under investigation by The State Bar of California and other licensing boards.

Construction Litigation

Lester & Cantrell defends developers, contractors, subcontractors and building product manufacturers in construction disputes including change orders, delays, contracts, engineering or design failures, mechanic's liens, payment bond or surety matters, stop notices, and structural or water damages.

Members of the firm are very familiar with reasonable and customary construction practices across the Inland Empire. Guidance is also available to assist insureds on risk management through mitigation procedures and indemnification provisions.

Employment Practices Liability

California's "Fair Wage Act of 2016," which increases the minimum wage to \$15 an hour by 2021, is one of many state employment laws that provides employees with broader protections and benefits than required by federal law.

Employers in California are also at greater risk of having an employment liability claim filed against them. Lester & Cantrell works closely with business owners and their insurance carriers across the state, which gives the firm hands-on experience and practical insight for workplace challenges. The firm is available to represent management in individual or class action claims involving:

- Discrimination under Title VII or protected categories
- Employment agreements or non-compete litigation
- Negligent evaluation
- Sexual harassment
- Trade secret matters
- Workplace health and safety
- Wrongful termination or discipline

Lester & Cantrell also defends employers in state and federal courts and before regulatory agencies in matters regarding:

- Age Discrimination in Employment Act
- Americans with Disabilities Act (ADA)
- California Department of Industrial Relations rules
- Fair Labor Standards Act (FLSA)
- Family Medical Leave Act (FMLA)
- Title VII

When an EPLI claim is filed or anticipated, the firm works quickly to conduct a confidential investigation, assess potential damages, and recommend a course of action. Litigation avoidance is always an overriding priority.

General Liability Litigation

A strong understanding of the circumstances giving rise to a claim comes first at Lester & Cantrell. The firm works with clients to develop a suitable defense strategy, then moves aggressively to execute the plan. The firm strives to create practical solutions in the following types of cases:

- Products liability
- Premises liability
- Motor vehicle accident defense

ATTORNEY PROFILES



Mark S. Lester
Managing Partner



Mark Lester is recognized as one of the premier professional liability and general civil trial lawyers in Southern California. With over 20 years of big law firm experience before starting Lester & Cantrell, he has handled cases for clients ranging from Fortune 100 companies to local small business and professional service firms.

He is AV Preeminent® Peer Review Rated by Martindale-Hubbell rated and an experienced trial lawyer with membership in the American Board of Trial Advocates (ABOTA). He is also one of the very few attorneys in California who has been certified as a specialist in Legal Malpractice Law by The State Bar of California Board of Legal Specialization.

Representation of Professionals

Mark devotes a substantial portion of his practice to the representation of attorneys, law firms and other professionals in claims based upon theories of malpractice, breach of fiduciary duty, fraud and misrepresentation, breach of contract, unfair business practices and others. He has tried both jury and non-jury matters for sole practitioners and large law firms and other professional service firms.

Additionally, he has conducted binding contractual arbitrations and participated in mediations and other negotiations for such claims both before and after commencement of litigation.

General Civil Practice

Mark also handles matters involving private business, industry and individuals in commercial, corporate and real estate matters; property and casualty claims; landowners and operators; product liability matters; and construction related claims in both public and private works of improvement. He has tried cases in many California counties as well as outside the state.

Education

J.D., University of San Diego School of Law, San Diego, CA, 1985

- Law Review, Member 1984-1985

B.A., English/American Literature, University of California, San Diego, CA, 1982

Admissions

California, 1985

U.S. District Court, Central District of California, 1986

U.S. District Court, Southern District of California, 1986



David Cantrell
Partner



David Cantrell represents professionals, entrepreneurs, and private businesses throughout Southern California. He focuses on providing litigation, pre-litigation and general business counsel to clients ranging from publicly traded companies to small and mid-size California businesses.

Representation of Professionals

David devotes a substantial portion of his practice to the representation of professionals in disputes arising from their practices. David has represented countless professionals in litigated matters involving allegations of malpractice, breach of fiduciary duty, fraud and malicious prosecution. In addition, David regularly provides his professional clients with advice on issues related to the ethical intricacies of their practices, and has represented many lawyers in matters involving the State Bar investigations. Based on his education, training and experience, the State Bar of California's Board of Legal Specialization has declared David to be a Certified Specialist in California Legal Malpractice Law. David is one of only two lawyers in the Inland Empire who possess this certification.

Representation of Private Businesses

David devotes a large portion of his practice to the representation of entrepreneurs and privately held businesses. For these clients David regularly litigates matters involving shareholder disputes, real estate transactions and disputes, collection matters and employment claims. As part of his practice, David regularly provides outside general counsel services to many regional businesses. This role allows him to develop strategies to assist the business in risk management and asset protection.

Professional Activities

Riverside County Bar Association, Member

- Civil Litigation Section, Past Chair, 2012 to 2014
- Past Director, 2008 to 2010
- Barristers group, Past President, 2008 to 2010

Leo A. Deegan Inn of Court, Past Member, 2007 to 2009

David lectures on issues concerning civil procedure and professional duties owed by lawyers to their clients.

Education

J.D., Pepperdine University School of Law, Malibu, CA, 2003

B.S., Criminal Justice Administration, San Diego State University, 1999

Admissions

California, 2003

U.S. District Court, Central District of California, 2003

U.S. District Court, Southern District of California, 2003

U.S. Court of Appeals 9th Circuit, 2008



Matthew Kraus
Associate

Matthew Kraus concentrates his practice on civil litigation, with an emphasis on lawsuits arising from construction contact disputes, professional negligence, breach of fiduciary duty, and business disputes. In the construction industry, he assists clients involved in public-private work development disputes.

He often serves as local counsel for out-of-state clients who require legal representation in Riverside and San Bernardino counties.

Matt is experienced in every phase of the litigation process, from pre-litigation contract claims procedures through jury verdict. His clients include large corporations as well as family-owned businesses.

Education

J.D., Pepperdine University School of Law, Malibu, California, 2008

- Honors: Certificate in Dispute Resolution, Straus Institute for Dispute Resolution
- Editor, *Dispute Resolution Law Journal*

B.A., Political Science, University of California San Diego, 2004

Admissions

California, 2008

U.S. District Court, Central District of California, 2008



**Colin A.
Northcutt**
Associate

Colin Northcutt works on professional liability, business, and real estate matters. He handles research and analysis, case preparation, pleading, discovery, and law and motion activities. In addition, he has mediation, arbitration, and second-chair trial experience.

Education

LL.M, Dispute Resolution, Pepperdine University School of Law, Malibu, California, 2005

J.D., Boston University School of Law, Boston, Massachusetts, 2004

- Law Journal: *International Law Journal*
- Law clerk, Office of the United States Trustee

M.B.A., Business Administration, Boston University, Boston, 2004

B.A., Philosophy, University of California, San Diego, 2000

Admissions

California, 2007

Massachusetts, 2007

U.S. District Court, Central District of California, 2008



**Nickolaus
Buchholz**
Associate

Nickolaus Buchholz concentrate his practice in the areas of professional liability, construction law, business litigation and general civil litigation.

Education

J.D., California Southern Law School, Riverside, California, 2013

- Studied under Judge Elwood M. Rich's (Ret.)

B.S., Business Administration, University of California Riverside, 2006

Admissions

California, 2015

U.S. District Court, Central District of California, 2013

U.S. District Court, Southern District of California, 2013

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BUSINESS PRACTICES

Billing Rates

Lester & Cantrell offers competitive rates for the Southern California market. The firm seeks to build long-term panel relationships, and will work within the rate structure established by a carrier or self-insured entity.

Electronic Billing

Sage Timeslips is the time and expense tracking program used by Lester & Cantrell. The software integrates with leading legal practice management software solutions. The firm is also experienced with Legal Exchange by Bottomline Technologies and other claims billing databases. Invoices and reports can be generated in frequency and format specified by a client's litigation management requirements.

Ethics and Professional Liability

The firm does not typically represent plaintiffs in personal injury matters.

Neither the firm, nor any of its attorneys, has been subject to any disciplinary action by a court of law or state bar association.

The firm maintains a professional liability policy through AttorneyShield® offered by Professional Solutions Insurance Company (PSIC). Coverage is \$3 million / \$3 million.

References

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EXHIBIT 1. Representative Cases*

Law Firm Defendant Dismissed after Binding Arbitration

We defended a law firm in a legal malpractice case in which the plaintiff alleged the firm had mishandled a multi-million dollar real estate transaction, and subsequently mishandled litigation over the same transaction. The case proceeded to binding arbitration after the plaintiff made a seven figure settlement demand. After Mr. Lester cross-examined the plaintiff in the binding arbitration, the plaintiff dismissed the entire case without compensation.

International Aerospace Contractor Dismissed during Trial

We defended an international aerospace contractor in a dispute concerning significant repairs made to a C-130 aircraft. The plaintiff was a subcontractor to our client and claimed it was owed nearly a million dollars for work performed on the aircraft. On the first day of trial, Mr. Cantrell cross-examined two of plaintiff's key employees. Immediately after the examination, the plaintiff agreed to dismiss the entire case without compensation.

Municipal Law Firm Receives Favorable Settlement in High Stakes Case involving City Corruption

We represented a large national law firm accused of allowing public corruption in a city in which it served as the city attorney. The plaintiff municipality claimed it had been harmed in excess of thirty million dollars. After depositions of many of the plaintiff's key witnesses, the case settled for pennies on the dollar.

Contracting Firm Receives Large Settlement in Claim against a Regional Park District

We represented a construction company in a case in which our client constructed a park in Riverside. The owner of the park (a regional park district) claimed the construction quality was poor and that the project was not completed on time. After taking the deposition of the defense expert prior to trial, we were able to resolve the case for three quarters of a million dollars (nearly our entire demand).

LLC Receives Sizeable Settlement After Deposition of Defendant

We handled a complex dispute between several members of a limited liability company over the construction of a real estate development. The lawsuit involved claims of breach of fiduciary duty and self-dealing. The development was valued at several million dollars. Our client received a sizeable settlement just days after the deposition of the main defendant.

Complete Defense Jury Verdict in Legal Malpractice Trial

We defended a lawyer accused of improperly settling a tax matter for his client. The plaintiffs' final settlement demand was in excess of \$4 million. After several weeks of trial, the jury returned a complete defense verdict after only a few minutes of deliberation.

Plaintiff Settles for One Half Of Demand, Saving Client Over \$7 Million

We were hired to defend a business at trial of a wrongful death claim that arose from an auto accident. Our client had previously hired another law firm to represent him, and had not received acceptable results. A few weeks after we were hired, we were able to negotiate a settlement for our client just over one-half of the amount previously being demanded by the plaintiff. Our work saved our client over \$7M.

Medical Doctor Recovers Partnership Assets after Successfully Refuting Claims of Breach of Fiduciary Duty by Partner

We were able to negotiate a favorable settlement for a plastic surgeon accused of breach of fiduciary duty by his business partner. The settlement resulted in our client receiving substantially all of the assets of the partnership, including a building.

Case Dismissed for Lawyer Accused of Legal Malpractice in Family Law Matter

We were hired to represent a successful family law firm in a case in which the plaintiff claimed she was given faulty advice concerning her family law case. During cross-examination of the plaintiff's expert at trial, Mr. Cantrell was able to elicit testimony from the expert that resulted in the judge throwing out the entire case against our client.

* Disclaimer: Every case is different, and the outcome depends on many factors. Past success by the firm and its lawyers does not guarantee a positive result in future cases.