SQUIRE PATTON BOGGS

# Wallace E. Smith

**Partner**

**San Francisco**
T +1 415 743 2227

**wallace.smith@squirepb.com**



## About Wallace

Wallace Smith specializes in construction and real estate litigation, general commercial and business litigation, intellectual property disputes, insurance coverage and defense of products liability actions.

He utilizes his engineering background and his experience in forensic accounting issues to achieve effective results for his clients through mediation, arbitration or trial.

## Experience

**Construction and Real Property Litigation**

- Representing owners, contractors, design professionals and manufacturers in a wide variety of government, commercial, and residential projects.
- Handling construction claims disputes involving government, commercial, and multi-unit residential projects, including:
  - Delay and impact claims
  - Change order and payment disputes
  - Lien, stop payment, and bond claims
- Efficiently resolved hundreds of multi-party construction defect claims, ranging from large governmental and commercial projects, to class actions and single-family residences, including:
  - Defending contractors and others in defect actions
  - Recovery actions against responsible parties
  - Architectural and engineering design disputes
  - Construction insurance coverage issues
- Represented clients in various real estate disputes:
  - Fraud, misrepresentation and failure to disclose claims
  - Commercial lease and sub-lease disputes

- Disputes with adjoining landowners – boundary, easements, trespass, nuisance, lack of lateral and subjacent support
- ADA physical access claims
- Eminent domain

- Represented lenders, commercial borrowers and personal guarantors in litigation involving non-judicial and judicial foreclosures, work-outs and substitute security agreements.

**Construction and Products Transactional and Regulatory Practice**

- Prepares and updates transactional documents for his construction and products clients:
  - Construction contracts (risk allocation, insurance requirements)
  - Product sales agreements
  - Warranties, warnings, catalogs and marketing materials
- Assists his construction clients with regulatory compliance, including CSLB investigations, OSHA citations and prevailing wage claims.

**Products Liability**

- Litigated claims arising out of a wide range of products and equipment, including:
  - Construction products such as structural elements, glazing, plumbing and mechanical systems, and electrical components
  - Corrosion problems involving coatings, fasteners, plumbing, water chemistry
- Represents manufacturers in the food, chemical and construction product industries in mass tort personal injury, property damage and Proposition 65 claims.

**Commercial and Business Litigation**

- Commercial and business litigation experience includes:
  - Complex contractual disputes
  - Fraud/misrepresentation claims
  - Interference with business relations
  - Breach of non-compete agreements
  - Unfair business practices (California B&P Code § 17200)
  - RICO actions

**Intellectual Property Litigation**

- Handled a variety of intellectual property disputes including misappropriation of trade secrets, trademark disputes and unfair competition.

**Insurance Coverage Litigation**

- Represents insurers in coverage disputes involving first and third party claims. Focus on liability claims related to products liability, construction and intellectual property litigation.

## Credentials

### Education

- University of California at Berkeley, J.D.
- Stanford University, B.S. and M.S. Mechanical Engineering

### Admissions

- California

### Memberships & Affiliations

- Bar Association of San Francisco
- Bar Association of Contra Costa County
- American Bar Association
- Building Industry Association

## Expertise

### Services

- Litigation

## Publications & Speaking Engagements

- Author, “Subrogation Challenges for Building Products Manufacturers,” DRI Product Liability Conference, February 2019.
- Presenter, "Best Practices in Product Documentation and Email Communications," Training Presentations, 2013-2015.
- Author, "Protect Yourself From Subcontractor Default," *Correctional News*, November 2008.
- Author, "Getting Paid in California: Know Contract Law and Contractor Payment Rules Before Entering the Market," *Correctional News*, July 2008.
- Author, "Don’t Be Caught in the Late Notice Trap," *Correctional News*, July 2007.

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## About our firm

One of the world’s strongest integrated law firms, providing insight at the point where law, business and government meet. We deliver commercially focused business solutions by combining our legal, lobbying and political capabilities and invaluable connections on the ground to a diverse mix of clients, from long-established leading corporations to emerging businesses, startup visionaries and sovereign nations. More than 1,500 lawyers in over 40 offices across four continents provide unrivaled access to expertise.