

## ATTORNEY

# Niall A. Fordyce



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### SUMMARY

Niall Fordyce is a trial attorney in the firm's Pasadena office. Mr. Fordyce's practice focuses primarily on professional liability matters involving architects, design professions, and attorneys as well as general business litigation. Mr. Fordyce also represents public entities and individuals in matters ranging from catastrophic injury, wrongful death, and civil rights actions to entertainment industry disputes.

Mr. Fordyce has a proven track record of success in all aspects of civil litigation, from pre-claim through appeal. His recent successes include prevailing on demurrer and in the subsequent appeal of a legal malpractice action involving a complex series of financial and investment transactions, prevailing on demurrer in a legal malpractice action involving multiple probate actions, successful summary judgment motions in personal injury/general liability actions including a construction site scaffolding injury, a successful summary judgment motion in a legal malpractice "settle and sue" action, and dismissal with prejudice on the eve of trial of a personal injury action involving an injury sustained at a prominent Hollywood shopping mall.

Mr. Fordyce received his undergraduate degree from the University of California, Berkeley, and his Master of Music from the San Francisco Conservatory of Music. Mr. Fordyce received his Juris Doctor from Southwestern Law School where he was awarded the CALI Excellence for the Future award for his A+ in Advanced Copyright and the Exceptional Achievement Award for his A+ in Music Industry Contracts.

Mr. Fordyce is a member of California Lawyers for the Arts. Mr. Fordyce has also volunteered for MUSE/IQUE, Jericho Road, and Law Rocks. Mr. Fordyce has written multiple articles on the implications of "LEED" (Leadership in Energy & Environmental Design) technology for design professionals. He has also written extensively on issues of music copyright infringement for the Music Copyright Infringement Resource, a project sponsored by The George Washington University Law School and Columbia Law School.

Along with his legal practice, Mr. Fordyce is a highly skilled musician who still performs throughout California on a wide variety of instruments in multiple different styles and genres.

## EXPERIENCE

**Demurrer Sustained Without Leave to Amend for Attorney in Legal Malpractice Suit:** Mr. Fordyce prevailed on a demurrer and in the subsequent appeal of a legal malpractice action involving claims of attorney malpractice arising out of a complex series of financial and investment transactions. His client's demurrer was sustained without leave to amend and it was upheld on appeal.

**Demurrer Sustained Without Leave to Amend in Attorney Legal Malpractice Suit:** Mr. Fordyce prevailed on demurrer in a legal malpractice action involving claims of attorney malpractice arising out of multiple probate actions, including attorney filing petition for reformation of trust. His client's demurrer was sustained without leave to amend based on a statute of limitations defense.

**Summary Judgment for General Contractor in Severe Injury Matter:** Mr. Fordyce represented a second tier contractor's employee who was seriously injured on a major private resident rebuild project when he fell from a scaffold. Mr. Fordyce prevailed on client's behalf on a Privette-based summary judgment motion, including award of client's defense costs.

**Summary Judgment for Supermarket in Personal Injury Matter:** Mr. Fordyce represented an independent contractor who was injured when he fell from a ladder while performing repair work at a large independent supermarket. Mr. Fordyce prevailed on client's behalf on a "no double recovery" summary judgment motion when research showed plaintiff had made a workers' compensation claim for his injuries.

**Summary Judgment in "Settle and Sue" Attorney Malpractice Suit:** Mr. Fordyce prevailed in a successful summary judgment motion in a legal malpractice "settle and sue" action in which the attorney's client settled a family law action at mediation but subsequently blamed the attorney for a purportedly inadequate settlement. Mr. Fordyce prevailed on summary judgment based on plaintiff's inability to prove likelihood of better result but for client's representation.

**Negotiated Dismissal With Prejudice of Personal Injury Action on Eve of Trial:** In an action where, plaintiff filed suit for injuries purportedly incurred in trip and fall incident at major Hollywood shopping center, Mr. Fordyce successfully negotiated dismissal of plaintiff's action against shopping center client with prejudice on day of final status conference, including a waiver of costs.

## PROFESSIONAL MEMBERSHIPS

- California Lawyers for the Arts

## PUBLICATIONS/SEMINARS

- Gifford v. US Green Building Council – Series of Three Articles Analyzing Implications of Gifford Lawsuit and LEED in General
- Accepting as True Whatever the Architect Certifies
- Comment on Jamie Ciero v. Disney, et al.
- Comment on Batiste v. Ben Haggerty (aka "Macklemore")
- Comment on Barre ("Messy Mya") v. Beyoncé Knowles Carter, Sony Music et al.

- Comment on Sean Hall et al v. Taylor Swift et al
- Comment on Wixen v. Spotify
- Comment on Sean Hall et al v. Taylor Swift et al
- Comment on We Shall Overcome Foundation v. Richmond Organization and Ludlow Music
- Comment on Songs Music v. Porsche et al
- Comment on Yours, Mine, & Ours v. Sony, Ronson, Mars, et al
- Comment on McDonald v. West et al
- Comment on Bowen v. Paisley et al
- Comment on Griffin et al v. Sheeran et al

Cited In:

- Beyond 'Blurred Lines': How Forensic Musicology Is Altering Pop's Future
- Spotify to Pay \$113M to Settle Copyright Class Action
- [Ed Sheeran's 'Thinking Out Loud' Asks Jury to Mull Music Theory](#)

## **PRACTICE AREAS**

- [Professional Liability](#)
- [General Casualty Liability](#)
- [Public Entity Liability](#)
- [General Business Litigation](#)
- Trial

## **EDUCATION**

- Southwestern Law School (J.D., 2006)
- San Francisco Conservatory of Music (Master of Music, 1994)
- University of California, Berkeley (B.A., Music, 1990)

## **BAR ADMISSIONS**

- California, 2008

## **COURT ADMISSIONS**

- United States District Court, Central District of California, 2008