

# David Ian Dalby

San Francisco, CA

He/Him

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## About David

With more than four decades of experience, David represents attorneys and other professionals in professional liability matters, as well as business entities and private employers in employment law litigation. His clients include lawyers and law firms, business entities, and insurers.

Whether in state or federal court, David prosecutes and defends lawsuits concerning alleged discrimination, wrongful termination, wage and hour claims, consumer and class actions, personal injury, unfair housing discrimination, insurance, and contract disputes. He also serves as counsel to private employers concerning human resource risk management issues.

### David's Affiliations

- Association of Defense Counsel of Northern California and Nevada
- Bar Association of San Francisco

## Areas of Focus

**Industries:** Insurance; Professional Services

**Services:** Complex Commercial Litigation ; Consumer & Class Action Defense;

Insurance Coverage Litigation & Counseling; Labor & Employment; Litigation & Trial

**Initiatives:** Lawyers for the Profession®

## Recognition

- Martindale-Hubbell, AV® Peer Review Rating
- Fordham University, Loyola Fellow; Robert Boone Stewart Memorial Fellow

## Credentials

### Education

University of San Francisco School of Law, JD, 1984

Fordham University, MA, 1981

Ball State University, BS, 1979

### Bar Admissions

California

### Court Admissions

US Court of Appeals for the Ninth Circuit

US District Court for the Central District of California

US District Court for the Eastern District of California

US District Court for the Northern District of California

US District Court for the Southern District of California

## Interests

### Did you know...

David has a rescue dog named Ash that he likes to take on long walks in the Walnut Creek Open Space and around the beautiful Lafayette Reservoir.

## Thought Leadership

### Presentations

- Co-Presenter, “West Coast Labor & Employment Regional Law Update,” Hinshaw & Culbertson LLP, Virtual Event, July 26, 2022
- Co-Presenter, “The Labor & Employment Year in Review: Is It Over Yet?” West Coast Session, Hinshaw’s 25th Annual Labor & Employment Seminar, Virtual Event, October 26, 2020
- “Self-Expression in the California Workplace: How to Strike a Legal Balance in Drafting and Enforcing Dress, Grooming, and Bathroom Use Policies,” 12th Annual California Employment Law Update, The Westin South Coast Plaza, Costa Mesa, California, October 12, 2017

- “Comp Coast to Coast Workers’ Compensation Strategies From a National Perspective,” Hinshaw’s Annual Labor & Employment Seminar, Hoffman Estates, Illinois, October 2013
- “General Principles of Workers’ Compensation” and “Settlements & Return to Work Issues,” Workers’ Compensation Law & Practice Seminar, Sterling Education Services, Inc., Pasadena, California, October 2012
- “Total Disability/Vocational Strategies,” CWCDAA 2012 Annual Summer Conference, Las Vegas, Nevada, June 2012
- “Utilization of the Vocational Expert in the Workers’ Compensation Setting,” VocEX 2011, Los Angeles, California, January 2011
- “Implementing Successful Surveillance to Defeat Fraudulent Claims,” Council on Education Management, Los Angeles, California, May 2005
- “Employment Leaves,” California Assisted Living Association Summer Trade Show and Conference, San Jose, California, June 2007
- “Recent Professional Liability Insurance Coverage Case Developments,” Mid-Year Meeting of the Association of Professional Responsibility Lawyers (ARPL), San Antonio Texas, February 2004
- “*California State Auto. Assn. v. Parichan*: Transactional Legal Malpractice,” Association of Defense Counsel of Northern California & Nevada, August 2001
- “Recent Developments In Lawyers’ Professional Liability,” The Lawyers’ Club of San Francisco, September 1999
- “Vicarious Liability and Limited Liability Partnerships—Minimizing Personal Exposure For The Errors Of Others,” The Lawyers’ Club of San Francisco, May 1996
- “How Not To Get Sued For What Someone Else Didn’t Do: Malpractice and Ethical Problems Arising When Lawyers Practice Together,” Contra Costa County Bar Association, M.C.L.E. Spectacular, November 1995
- “Responding To Discovery,” Long & Levit M.C.L.E., April 1995
- “Attacking The Pleadings,” Long & Levit, M.C.L.E., October 1991

## Publications

- Co-Author, “California’s New Law for Debt Buyers,” *MAPbulletin*, ACA International, January 2014
- “Insurers Beware: Implied Waiver of Defective Notice in Claims Made and Reported Professional Liability Policies,” *Legal Ledger*, Vol. 7, No. 2, 1996; Reprinted as “Warning: Some Professional Liability Policies Leave Unwary Insurers on the Hook,” *Insurance Journal*, November 11, 1996
- “Conflicts Checklist,” *Legal Ledger*, Vol.1, No. 4, Spring 1990
- “Avoiding Vicarious Disqualification: An Ethical Barrier,” *Legal Malpractice Report*, Vol. 1, No. 4
- “Facing The Inevitable: Do’s And Don’ts For The Legal Malpractice Defendant,” *Legal Malpractice Report*, Vol. 3, No. 1, 1991
- Co-Author, “Corporate Directors and Officers Liability, Insurance and Risk Management,” The Attorney-Client Privilege, Executive Enterprises Publications Co., Inc., 1989

## Blog Posts

- San Francisco Ordinance Prohibits Employer Salary History Inquiries, Aug 17, 2017
- Second Circuit: Parent Company has Liability for Subsidiary's WARN Violations, Dec 16, 2013
- Ninth Circuit Allows Parties to Arbitrate Dispute Which had been Litigated for Years, Aug 28, 2013
- Isolated Age Comment Insufficient to Overcome Employer's Legitimate Reason for Layoff, Apr 25, 2013
- NLRB Requires Employer to turn over Witness Statement, Jan 3, 2013

## Event

- 25th Annual Labor & Employment Seminar – Virtual for 2020, October 26 - 30, 2020

## Hinshaw Newsletters

- Employment Practices Newsletter - December 2014 Edition, Dec 1, 2014
- Employment Practices Newsletter - October 2014 Edition, Oct 1, 2014
- Employment Practices Newsletter - August 2014 Edition, Aug 1, 2014
- Consumer & Class Action Litigation Newsletter - January 2014 Edition, Jan 16, 2014
- Employment Practices Newsletter - January 2014 Edition, Jan 2, 2014

## Insights for Employers Alerts

- Employment Practices Newsletter - June 2014, Jun 2, 2014
- Employment Practices Newsletter - September 2013, Sep 3, 2013
- Employment Practices Newsletter - May 2013, May 2, 2013
- Employment Practices Newsletter - September 2012, Sep 4, 2012
- Employment Practices Alert - September 2010, Sep 1, 2010

## Webinar

- Labor & Employment Regional Law Update, Tuesday, July 26, 2022

[\*View all of David's Insights\*](#)