



Scott Garner

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EXPERIENCE

Scott B. Garner is a partner at Umberg Zipser LLP in Irvine, California. He represents clients in complex business litigation matters, with a particular focus on professional liability disputes and ethics counseling. He has represented large, mid-size, and small law firms, along with individual lawyers, in pre-litigation and litigation disputes concerning claims of legal malpractice, ethical violations, and securities fraud arising from their litigation, transactional, probate, and IP practices. He recently won a complete defense verdict in a legal malpractice jury trial. Scott also consults with clients on legal ethics issues, and has testified as an expert witness on ethics and standard of care issues. He also defends lawyers in State Bar disciplinary proceedings.

Scott also represents a wide array of public and non-public companies in a variety of matters, including contract disputes, intellectual property disputes, business torts, and securities litigation. Representing a plaintiff, he won a \$47 million jury verdict in an interference with contract action, which was recognized as a top verdict of 2022.

Scott is active in Bar and community organizations. He was the 2020 OCBA President and the 2021 OCBA Charitable Fund President. He currently serves as

Co-Chair of the OCBA Professionalism and Ethics Committee. From 2010-16, he was a member of the California State Bar's Committee on Professional Responsibility and Conduct, serving as the Committee's Chair in 2014-15. He currently is Vice Chair of the California Lawyers Association Ethics Committee. He is a Past President of the Orange County Chapter of the Association of Business Trial Lawyers.

Scott was recognized as a Top Professional Responsibility Lawyer by the Daily Journal in 2022-2023. He has been named a "Best Lawyer" since 2020 and a "Super Lawyer" since 2015.

Scott earned a JD cum laude from Harvard Law School in 1991 and a B.A with distinction from Stanford University in 1988.

EDUCATION

- ✓ Harvard Law School, J.D., cum laude, 1991
- ✓ Stanford University, B.A., with distinction, 1988

BAR ADMISSIONS

- ✓ State Bar of California, 1991
- ✓ United States District Courts: Northern, Central, Southern, and Eastern Districts of California
- ✓ United States Supreme Court
- ✓ United States Court of Appeals for the Ninth Circuit

PRACTICE AREAS

- ✓ Lawyer Liability
- ✓ Legal Ethics
- ✓ Complex Business Litigation

PROFESSIONAL ACTIVITIES

- ✓ 2020 President, Orange County Bar Association
- ✓ Co-Chair, Professionalism and Ethics Committee, Orange County Bar Association
- ✓ Former Chair, Committee on Professional Responsibility and Conduct, State Bar of California
- ✓ Vice Chair, California Lawyers Association Ethics Committee
- ✓ 2021 President, Orange County Bar Association Charitable Fund
- ✓ Member, Finance Committee, Orange County Bar Association
- ✓ Past Member, California State Bar Malpractice Insurance Working Group
- ✓ Past President, Orange County Chapter, Association of Business Trial Lawyers
- ✓ Former Member, Board of Directors, The Junior State of America Foundation

- ✓ Former Chair, Ethics Subcommittee of the Insurance and Risk Management Committee, ABA Intellectual Property Law Section

RECENT ARTICLES

- ✓ September 2024 – Disqualifying In-House Counsel, California Lawyers Association
- ✓ April 2023 – California's Proposed New Tattletale Rule, Orange County Lawyer Magazine
- ✓ October 2022 – Ethics Spotlight: Avoiding Ethical Trouble in Online Bios, California Lawyers Association Bulletin
- ✓ August 2021 – Ethics Spotlight: Referral of a Conflicted Client, California Lawyers Association Bulletin
- ✓ September 2020, Ethics Spotlight: The Benefits of an Engagement Letter, California Lawyers Association Bulletin
- ✓ September 2020 – Documenting the Engagement: Where Minimal Compliance Is Not Enough, Orange County Lawyer Magazine
- ✓ August 2020 – Civility in the Time of Pandemic, Orange County Lawyer Magazine
- ✓ May 2019 – Mandatory Malpractice Insurance: An Attack on Access to Justice, Orange County Lawyer Magazine
- ✓ September 2018 – Ethics 2.0: A Snapshot of the Revamped Rules of Professional Conduct (co-authored), Orange County Lawyer Magazine
- ✓ November 2017 – Advice for Road Warriors: Navigating Airport Security with Client Secrets Intact, California Bar Journal
- ✓ March 2017 – Law Firm Departures: Avoiding Abandonment Issues, Orange County Lawyer Magazine
- ✓ May 2016 – Attorney Civility – When Zealous Advocacy Crosses the Line, California Bar Journal
- ✓ March 2016 – Civility among Lawyers: Nice Guys Don't Have to Finish Last, Orange County Lawyer Magazine
- ✓ Summer 2015 – Surprise! You Just Got Sued for Legal Malpractice, ABA Litigation Magazine March 2015 – So Long, Farewell Not So Fast: Duties Owed to Former Clients, Orange County Lawyer Magazine

- ✓ February 2014 – Who's Your Daddy? Analyzing Parent-Sub Conflicts of Interest, Orange County Lawyer Magazine
- ✓ October 2013 – Secrets in a Google World: Understanding the Differences Between the Attorney-Client Privilege and the Duty of Confidentiality, Orange County Lawyer Magazine (July 2013), republished by The Computer & Internet Lawyer (October 2013)
- ✓ March 2013 – A Representational Trinity: The Parent, the Sub, and the Holy Lawyer, California Bar Journal

SPEAKING ENGAGEMENTS

- ✓ 2/13/25 – Co-Presenter, Avoiding Legal Malpractice and Ethical Violations for Trust and Estate Attorneys, California Lawyers Association, Live Webinar
- ✓ 9/10/24 – Co-Presenter, Ethical Considerations for In-House Counsel, Orange County Bar Association, Corporate Counsel Section, Irvine, CA
- ✓ 6/17/24 – Co-Presenter, Feeling Conflicted? Understanding and Avoiding Ethical Pitfalls Posed by Conflicts of Interest, California Lawyers Association, Live Webinar
- ✓ 12/13/23 – Co-Presenter, Ethically Marketing Your Practice on Social Media, Orange County Bar Association, On-Demand Webinar
- ✓ 3/16/23 – Co-Presenter, Tweeting, Posting on Instagram, Responding to Negative Reviews, Orange County Bar Association, Newport Beach, CA
- ✓ 1/14/23 – Co-Presenter, Ethically Navigating Social Media, Orange County Bar Association, On-Demand Webinar
- ✓ 4/13/22 – Panelist, Dealing Professionally with Difficult Counsel, Orange County Bar Association, Newport Beach, CA
- ✓ 10/19/21 – Co-Presenter, The Ethics of Fee Agreements and Billing, California Lawyers Association, Live Webinar
- ✓ 9/23/21 – Panelist, Uncharted Territory, Staying on Course Amid California's Ethics Rules and Rule Proposals, Orange County Bar Association Commercial Law and Bankruptcy Section, Live Webinar
- ✓ 1/27/20 – Co-Presenter, Avoiding Conflicts of Interest, USC Gould School of Law 2020 Tax Institute, Los Angeles, CA
- ✓ 10/11/19 – Panelist, When Are Conflict Waivers Effective and When Are They Not!, California Lawyers Association Annual Meeting, Monterey, CA

- ✓ 10/7/19 – Co-Presenter, E-Ethics Issues: Successfully Navigating Social Media and Technology, Orange County Bar Association Workers' Compensation Section, Orange, CA
- ✓ 7/18/18 – Co-Presenter, Ethics 2.0: A "Cliffs Notes" Version of the Revamped Rules of Professional Conduct, Orange County Bar Association, Family Law Section, Orange, CA
- ✓ 4/19/18 – Co-Presenter, Moving to the Cloud – Leveling the Playing Field for Small Firms, Orange County Bar Association, Solo Practitioner/Small Firm Section, Newport Beach, CA
- ✓ 11/14/17 – Panelist, What Every Attorney Needs To Know about e-Discovery, Orange County Bar Association, Costa Mesa, CA
- ✓ 3/6/2017 – Guest Lecturer, Law Practice Management, Chapman Law School, Orange, CA
- ✓ 12/2017 – Co-Presenter, Navigating the Perilous Waters of the Attorney-Client Privilege, Orange County Bar Association Specialty Credit Night
- ✓ 9/7/17 – Co-Presenter, Navigating the Perilous Waters of the Attorney-Client Privilege, MPC Annual Claims Committee Symposium, San Francisco, CA
- ✓ 8/4/17 – Co-Presenter, Avoiding Ethical Pitfalls in the Use of Technology, Orange County Bar Association, Business Litigation Section, Costa Mesa, CA
- ✓ 7/12/17 – Panelist, Protect Your Estate Planning Practice – Ethics & Malpractice, Orange County Bar Association, Trusts & Estates Section, Costa Mesa, CA
- ✓ 4/21/17 – Panelist, What Is the "Heartland" of the Privilege, CA State Bar Annual Statewide Ethics Symposium, Los Angeles, CA
- ✓ 3/3/17 – Panelist, Sorting Through the Hype: A Practical Look at the Impact of Artificial Intelligence on the Legal Profession, LMRM Conference, Chicago, IL
- ✓ 2/22/17 – Co-Presenter, Avoiding Conflicts of Interest in a Business Representation, Orange County Bar Association, Business and Corporate Law Section, Irvine, CA
- ✓ 1/24/17 – Panelist, Diminished Capacity Clients: Ethical Issues and Dilemmas, USC Gould School of Law 2017 Tax Institute, Los Angeles, CA
- ✓ 1/10/17 – Co-Presenter, Managing Litigation: Ethical Pitfalls for Corporate Counsel, Orange County Bar Association, Corporate Counsel Section, Irvine, CA
- ✓ 12/12/16 and 7/26/16 – Co-Presenter, Top Ten Ethical and Tactical Mistakes That Can Lead to Civil Liability, Orange County Bar Association, Newport Beach, CA
- ✓ 11/22/16 – Co-Presenter, Ethics, Ethics, Ethics: Complex Issues for Real Estate Lawyers, Orange County Bar Association, Real Estate Section, Irvine, CA
- ✓ 11/17/16 – Co-Presenter, Lobbyists, Lawyers, and Privilege, Oh My!, The Advocacy Group, Laguna Niguel, CA
- ✓ 9/29/16 – Panelist, Ethics Update 2016: Significant Developments in the Law Governing Lawyers, State Bar of California, San Diego, CA
- ✓ 9/17/16 – Legal Ethics Update, California Political Attorneys Association, Las Vegas, NV
- ✓ 7/20/16 – Panelist, What Would Charlie Do? Ethical Issues in the Practice of Family Law, Orange County Bar Association, Family Law Section, Orange, CA
- ✓ 4/12/16 – Panelist, Key Ethical Issues When Ending the Attorney-Client Relationship, Bloomberg BNA Webinar
- ✓ 4/8/16 – Panelist, Diminished Capacity Clients: Ethical Issues and Dilemmas, CA State Bar Annual Statewide Ethics Symposium, San Francisco, CA
- ✓ 3/2/16 – Panelist, Litigation: New Cases You Need To Know, LMRM Conference, Chicago, IL
- ✓ 2/4/16 – Navigating the Attorney-Client Privilege, Clear Law Institute Webinar
- ✓ 1/29/16 – Panelist, Cybersecurity for the Practitioner: Client Security, Discovery, and Ethical Considerations, 2016 Chapman Law Review Symposium, Chapman University, Orange, CA
- ✓ 10/27/15 – Panelist, Legal Ethics and Cybersecurity, 2015 Institute on Entertainment Law and Business, USC Gould School of Law, Los Angeles, CA
- ✓ 10/9/15 – Panelist, Ethics Update 2015, Significant Developments in the Law of Lawyering, State Bar of California Annual Meeting, Anaheim, CA
- ✓ 9/9/15 – Co-Presenter, Avoiding Malpractice in Business Litigation, Orange County Bar Association, Business Litigation Section, Newport Beach, CA
- ✓ 4/25/2016 – Panelist, The Net: Law Firm Cybersecurity, CA State Bar Annual Statewide Ethics Symposium, San Diego, CA
- ✓ 2/26/2015 – Panelist, Defenses to Disqualification Motions: What Works and What Doesn't, LMRM Conference, Chicago, IL
- ✓ 1/15/2015 – Panelist, Ethical Issues in Bankruptcy Representation, Orange County Bar Association, Commercial Law & Bankruptcy Section Meeting, Tustin, CA

- ✓ 1/13/2015 – The Attorney-Client Privilege and the Duty of Confidentiality: Practical Application and Complex Issues, American Law Institute Webinar
- ✓ 4/12/2014 – Panelist, Defending a Charles Ponzi or Bernie Madoff, CA State Bar Annual Statewide Ethics Symposium,
- ✓ San Francisco, CA
- ✓ 3/13/2014 – Ethical Issues in Environmental Law, 10th Annual Western Boot Camp on Environmental Law,
- ✓ San Francisco, CA
- ✓ 3/5/2014 – Panelist, Transactional Malpractice – Establishing Causation, LMRM Conference, Chicago, IL
- ✓ 10/12/2013 – Panelist, Conflicts 201: Beyond the Basics, CA State Bar Annual Meeting, San Jose, CA
- ✓ 4/20/2013 – Panelist, Breaking Up Is Hard To Do: Ethical Issues Arising in Law Firm Dissolutions and Partner Withdrawals, California State Bar Annual Statewide Ethics Symposium, Los Angeles, CA