



## MASARYKOVA UNIVERZITA PRÁVNICKÁ FAKULTA

### **Thomas S. Clifton**

Mr. Clifton, with more than 26 years experience, has a diverse practice currently focused on representing public agencies and insurance companies. His areas of expertise include complex trials, negotiations, and advice and counsel concerning contractual disputes, class actions, regulatory matters involving environmental and wage and hour compliance, and reinsurance disputes.

#### **LEGAL EXPERIENCE**

Mr. Clifton has substantial experience representing public agencies, including the State of California and the Department of Corrections and Rehabilitation in defense litigation involving complex civil and class action disputes before every level of state and federal court, including extensive appellate matters at both the District Court and California Supreme Court levels. His recent areas of emphasis include contractual disputes, wage determination and labor law compliance, and private attorney general fee claims.

In addition to public entity defense, Mr. Clifton has developed a practice representing insurance companies and insurance brokers in coverage and reinsurance disputes. In this area, he represents insurance companies in actions against reinsurance companies, both foreign and domestic, as well as in matters involving the liability of reinsurance brokers and third party administrators.

Mr. Clifton also represents clients in all forms of professional negligence/errors and omissions litigation, including lawyers (his original area of focus), insurance and reinsurance brokers, real estate agents, and other licensed professionals as well as directors and officers of mid-sized private companies and non-profits.

Previously a partner with Archer Norris, Mr. Clifton joined KMTG in 2010. Prior to earning his J.D., Mr. Clifton spent six years serving in senior staff positions at the Berkeley and Santa Cruz campuses of the University of California as well as in the Office of the President. Mr. Clifton has served on the Board of Directors of Aurora School in Oakland (his twin sons are alumni), and has a keen interest, from his days in administration at U.C. Berkeley, in the future quality of California's public and private education systems.

#### **PRACTICE EXAMPLES**

- Represented the State of California on multiple matters involving breach of contract claims, one involving a two week arbitration of a \$40 plus million dollar lost profits claim against the taxpayer.
- Represented an auto/homeowner's insurance company seeking to commute a unique "finite risk" quota share reinsurance product and a related set of errors and omissions reinsurance broker claims.





- Represented insurance division of a major California maritime port management company seeking to recover sums due from Lloyds of London and the London insurance market on excess worker’s compensation claims.
- Represented the California Department of Corrections and Rehabilitation in matters before the Regional Water Quality Control Board on specific violation and broader water basin management plan issues.
- Represented the State of California in a long running injunction involving litigation in a new area of law requiring the development of a regulatory and oversight structure for the implementation of a voter mandate requiring the payment of comparable wage.
- Represented the State of California in a matter involving a multiple million dollar series of private attorneys’ general fee claims.
- Two lengthy 2008 trials respectively in Los Angeles County and Imperial County Superior Courts. The former involved claims against a multinational reinsurance broker arising from the placement of an exotic reinsurance product, and the latter was for the State of California in a contractual dispute with a private vendor.
- Represented the Department of Corrections and Rehabilitation in a successful work out of with various California cities of joint use/construction agreements for local correctional facilities.
- Represented the State of California in a dispute over the duration of a long term lease of valuable property in the Inland Empire and the State’s right to dispose of the property.
- Currently representing a major California Construction company in labor law compliance and union contract matters.

**PROFESSIONAL ACTIVITIES & AFFILIATIONS**

Mr. Clifton’s professional activities & affiliations include:

- Pro bono arbitrator for attorney fee disputes, Bar Association of San Francisco
- Member, California State Bar Association, International Law Section
- Member, Bar Association of San Francisco
- Member, Contra Costa County Bar Association
- Senior Lawyer Program, Masaryk University School of Law faculty, Czech Republic (selected to teach course in Spring 2011)
- Panel of Arbitrators, 2010 Foreign Direct Investment International Moot Competition, Pepperdine University School of Law
- FDI Moot College of Arbitrators and Memorandum Judges

**ACADEMIC BACKGROUND**

B.A. University of California, Berkeley, 1976

Extensive course work in the Graduate School of Public Policy, University of California, Berkeley, 1977-78

J.D. University of California, Davis, 1982

