

Bernard Gehlhar

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Pronouns: he, him, his

Bernard Gehlhar focuses his practice on the representation of consumer product companies, defending them in products liability litigation, advising on regulatory and corporate issues, and assisting with contractual matters. Bernard also has extensive experience dealing with other types of products, including industrial products. Bernard works closely with clients to gain an understanding of their business model and objectives in order to provide practical guidance on day-to-day business decisions in the context of legal risk.

In addition to his litigation and litigation management roles, Bernard is a trusted advisor to clients in various related areas, including product safety and regulatory compliance. He routinely assists clients with Consumer Product Safety Commission (CPSC) compliance and reporting; product recalls, and in reviewing product manuals, safety warnings, labels, and other collateral materials. Bernard assists clients with negotiating and drafting contracts, including licensing and vendor agreements. Bernard also has significant experience counseling clients with respect to advertising and promotional activities, including sweepstakes and contests.

Bernard has experience with a broad range of civil litigation matters, including class actions and other complex cases. In addition to products liability cases, Bernard has handled commercial disputes and defended professional liability matters on behalf of mortgage brokers, insurance agents and brokers, third-party administrators, investment advisors, securities broker-dealers and attorneys, among others. He also has litigated business torts and defended claims of breach of fiduciary duty, fraud, and vicarious liability for the acts of employees and agents.

Bernard handles cases in state and federal trial courts and in various arbitration forums and has extensive experience with appellate proceedings. He has drafted countless briefs and argued before the California Court of Appeal and the Ninth Circuit Court of Appeals, in matters involving a range of substantive areas, including professional

PRACTICES

Litigation

Real Estate and Business Law

EDUCATION

J.D., Cornell Law School, 1999

B.A., with distinction in Anthropology and Philosophy, University of California, Berkeley, 1995

ADMISSION

State Bar of California

United States Court of Appeals for the Ninth Circuit

United States District Court for the Central District of California

United States District Court for the Eastern District of California

United States District Court for the Northern District of California

United States District Court for the Southern District of California

AFFILIATIONS

American Bar Association

The Bar Association of San Francisco

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DRI

liability, products liability, general liability, business torts, and ERISA.

RECOGNITIONS

Regents' Scholarship, University of California at Berkeley

CALI Award for the highest grade in legal research, Cornell Law School

Certificate in Public Law, Cornell Law School

REPRESENTATIVE MATTERS

Product Liability

- Bernard serves as national coordinating counsel to a distributor of bicycles and other wheeled goods, in connection with product liability and related matters. In this role, he supervises non-litigated claims handled by a third-party administrator and is counsel of record or supervises local counsel on litigated matters throughout the country.
- Other clients Bernard has represented in the product liability area include manufacturers and distributors of scooters and other children's recreational products, motorcycles, ATVs, household appliances, and industrial equipment.
- In addition to litigating claims, Bernard has assisted clients with regulatory matters, including CPSC compliance, reporting and product recalls. He has also dealt with consumer advocacy groups, such as those that police advertising of children's products.

Professional Liability

- Bernard has extensive experience defending errors and omissions liability claims against a range of miscellaneous professionals. In particular, he has defended mortgage brokers in connection with fraud and breach of fiduciary duty allegations arising from interest-only and pick-a-payment loan products that were popular during the housing boom. He also has represented escrow agents in negligence/negligent misrepresentation claims.
- Other types of professional liability matters Bernard has handled include cases involving claims of selling away, churning, failure to supervise, fraud, breach of fiduciary duty and negligence against broker-dealers and financial professionals. As an example, he defended a broker-dealer and its registered representative in a class action alleging breach of fiduciary duty under ERISA. He also has experience with cases involving alleged Ponzi schemes, including one claiming that a broker-dealer's registered representative defrauded numerous customers by selling non-existent bonds.

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- In addition, Bernard has handled several professional liability cases for third party administrators (TPAs), including medical benefits TPAs, alleging negligence, fraud and breach of contract.

Appellate

- Appellate advocacy is another dimension of Bernard's broad and varied litigation practice. He has succeeded in affirming numerous summary judgment decisions; has handled numerous writ petitions, motions and other filings in the state and federal appellate courts; and has consulted on numerous key dispositive and post-trial motions.
- In one matter Bernard handled, the appellate court affirmed summary judgment based on the statute of limitations in a case alleging that a defective motorcycle resulted in quadriplegia to a teenage boy. He also successfully defended a judgment favorable to an insurance carrier that was alleged to have wrongfully failed to provide indemnity to its insured, which assigned its claims to the underlying plaintiff and then stipulated to a large judgment. In another case alleging that defectively designed and constructed cabinetry caused the plaintiff to suffer serious head injuries, the appellate court affirmed the trial court's holding that the alleged defect was patent and therefore a shorter statute of limitations applied. Additional matters in which Bernard is involved on behalf of clients include the appeal of a wrongful termination case and a challenge to personal jurisdiction by a foreign hotel chain.

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