

## ATTORNEY

# Adam A. Ainslie



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### SUMMARY

Adam A. Ainslie is a trial and appellate attorney at the firm's San Diego office, litigating cases throughout California. Mr. Ainslie practices in the areas of public entity liability, general liability, and professional liability. Mr. Ainslie has significant experience in litigating matters involving constitutional right violations, dangerous conditions of public property, catastrophic personal injuries and wrongful death, and legal malpractice. He has successfully tried cases to verdict and argued before the California Court of Appeals.

As part of his public entity liability practice, Mr. Ainslie has represented public entities and their employees in matters involving general tort litigation, civil rights, and employment. With respect to general tort litigation, Mr. Ainslie routinely handles claims of dangerous roadway designs, negligent maintenance, and negligent emergency vehicle operation for both fire departments and law enforcement. In civil rights, Mr. Ainslie has defended claims of varying constitutional violations such as excessive force, false arrest/warrantless detentions, fabricated evidence/judicial deception, malicious prosecution, and deliberate indifference to medical needs. In employment law, Mr. Ainslie has defended public entity employers against claims of wrongful termination, discrimination (age, disability, gender, national origin, and race), harassment including sexual harassment, and retaliation claims. In addition to his litigation practice, Mr. Ainslie also consults with and advises governmental agencies on issues of risk management in the context of civil rights, premises liability, and employment practices.

As part of his general liability practice, Mr. Ainslie has represented contractors, design professionals, transportation companies, energy facilities and more in cases involving automobile, construction, and job site accidents that often involve catastrophic injuries or death. In addition to serving as defense counsel in these type of cases, Mr. Ainslie has also provided valuable excess exposure consulting services for excess/umbrella carriers on large exposure cases.

As part of his professional liability practice, Mr. Ainslie has represented design professionals in complex multi-party construction defect litigation and lawyers/law firms in legal malpractice claims and State Bar investigations where professional standards, ethics and integrity were central issues.

Mr. Ainslie is currently a member of several professional associations, including the North County Bar Association, the American Bar Association, the Sports Lawyers Association, and the Public

Agency Risk management Association (PARMA).

Mr. Ainslie received his Bachelors of Interdisciplinary Studies in Socio-Legal Studies and Ethics from Arizona State University in Tempe, Arizona and his Juris Doctor from Southwestern Law School in Los Angeles, California.

## EXPERIENCE

**Summary Judgment for Public Entity for Roadway:** Mr. Ainslie represented a public entity defending against claims that a roadway was in a dangerous condition that caused the death of a child while crossing street. Plaintiff alleged the lack of traffic control devices and the timing of light sequences contributed to the dangerous condition. After Mr. Ainslie successfully obtained summary judgment at the trial court level, he continued to handle the matter through appeal where he received a unanimous decision affirming the trial court's grant of summary judgment.

**Verdict Below Statutory Offer to Compromise:** Mr. Ainslie represented a fire department that was sued for a traffic collision caused by one of its on-duty drivers. Plaintiff claimed permanent injuries which necessitated two surgeries and the need for two additional future surgeries. Through aggressive expert discovery and pre-trial motions Mr. Ainslie was able to reduce the total claimable medical damages by over \$1 million dollars. The matter proceeded to trial where Mr. Ainslie as second chair helped defend the fire department which resulted in a verdict that was less than half of the statutory offer to compromise.

**Judgment on the Pleadings Granted in Employment Suit:** Mr. Ainslie represented a police department and individual officers defending against a former officer's allegations of sexual harassment and retaliation that culminated termination. Mr. Ainslie successfully obtained judgment on the pleadings against all claims and causes of action based on a unique statute of limitation defense. After the dispositive judgment, Mr. Ainslie leveraged a motion for attorney fees and costs to convince the plaintiff to waive rights to an appeal.

**Summary Judgment for Public Entity on Civil Rights Claims:** Mr. Ainslie represented a district attorney's office, sheriff's department and an individual detective against claims of fabricated evidence, conspiracy to suborn perjury, withholding exculpatory evidence and unconstitutional policies, practices and procedures with regards to the rights of the accused. The claims were made by a former prisoner who served one of the longest reversed convictions in California history. Mr. Ainslie successfully obtained summary judgment for the public entities and partial summary judgment for the detective, which ultimately led to a favorable settlement before trial.

**Negotiated Favorable Settlement for Engineering Geologist:** Mr. Ainslie represented an engineering geologist that was sued by a driller for allegedly failing to properly advise the drillers of geologic conditions during construction of a custom beach-front home. Mr. Ainslie, through aggressive written discovery and depositions, was able to convince the underlying plaintiff to settle with his client separately for a minimal dollar amount.

**Summary Judgment for Public Entity with Defenses Costs:** Mr. Ainslie represented a public entity defending claims that an intersection was in a dangerous condition due to a "lagging yellow" light that resulted in the plaintiff suffering a below-the-knee amputation. Mr. Ainslie successfully obtained summary judgment demonstrating no such condition existed and that the entity was

otherwise immune for not having a protect left turn. Mr. Ainslie was then able to convince the trial court to award attorneys' fees on the basis that no reasonable attorney would believe such claims were actionable.

**Dismissal of Public Entity in Civil Rights Suit:** Mr. Ainslie represented a public entity that was sued for various Fourteenth Amendment violations as it relates to placement of an individual on post-release community supervision. Mr. Ainslie successfully obtained a dismissal of all claims through a motion for judgment on the pleadings on the grounds that no such constitutional violations occurred or were otherwise not actionable.

**Dismissal for Deputy Sheriff on Heck:** Mr. Ainslie represented a sheriff's deputy accused of excessive force during a call for service at home. Mr. Ainslie brought a successful persuaded both the federal magistrate and district court judge to dismiss the action on the grounds that the excessive force claims were barred by the Heck doctrine in that the Plaintiff was convicted of resisting arrest arising out of the same incident.

## PROFESSIONAL MEMBERSHIPS

- State Bar of California
- American Bar Association (Section of Litigation)
- Sports Lawyers Association
- Public Agency Risk Management Association (PARMA) - San Diego Chapter
- North County Bar Association

## PUBLICATIONS/SEMINARS

- *Avoiding Litigation One Step at a Time*, ICRMA February 2019.
- *Personnel Records Not So Personal Anymore: Changes to the Confidentiality of Peace Officer Records*, December 2018.
- *Dangerous Condition of Public Property (Inspection, Record Keeping, Maintenance)*, ICRMA June 2022.
- *Dangerous Condition of Public Property - Hidden Liability*, ICRMA January 2021.

## PRACTICE AREAS

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

## EDUCATION

- Southwestern Law School (J.D., 2016)
- Arizona State University (B.I.S. Socio-Legal Studies and Ethics, 2013)

**BAR ADMISSIONS**

- California, 2016

**COURT ADMISSIONS**

- United States District Court, Central District of California, 2016
- United States District Court, Northern District of California, 2019
- United States Court of Appeals for the Ninth Circuit, 2022