
JEAN A. WEIL (Ret.)



EXPERIENCE

Jean Weil is one of the founding partners of Weil & Drage* and has been a construction litigation specialist since 1987, representing some of the top design and construction firms worldwide. In addition to her Federal and State trial practice, Jean's experience includes drafting and negotiating contracts and risk management assistance for private and public works projects in California, Nevada and multiple other states. She continues to specialize in the defense of architects, engineers and construction managers. She has also represented developers, contractors, subcontractors and manufacturers. She has an extremely loyal client base due to her reputation for being an aggressive, hands-on litigator. Jean has focused her practice on complex construction litigation, including catastrophic personal injury and wrongful death cases, class actions, governmental torts, and business disputes. Jean has worked in every aspect of construction litigation, including multi-million/billion projects involving infrastructure, transportation, wastewater treatment facilities, oil refineries, recycling centers, highways, landslides, tunnels, bridges, canals, airports, distribution centers, justice facilities, schools and colleges, hotels, casinos, restaurants, and healthcare facilities, including hospitals/urgent care, residential/mixed use, including high-rise condominiums, apartment complexes and tract housing and high-end single-family homes. In all matters Jean dealt closely with clients and insurance carrier representatives. She is highly regarded for her seminars on the subject of risk management, which she conducts across the country. Jean has also successfully argued three matters before the Nevada Supreme Court. The first involved Nevada's adoption of the economic loss doctrine. The second involved Nevada's strict enforcement of the certificate of merit statute protecting design professionals. The third involved Nevada's adoption of the doctrine obstacle preemption, which bars owners' claims for indemnity for ADA and FHA violations.

**Weil & Drage is a Women's Business Enterprise (WBE) and a Woman Owned Small Business (WOSB), certified by the Women's Business Enterprise National Council, and is also certified by the Supplier Clearinghouse for the Utility Supplier Diversity Program of the California Public Utilities Commission. Weil & Drage is a member of the exclusive National Association of Minority & Women Owned Law Firms (NAMWOLF).*

EDUCATION

University of Colorado
Bachelor of Arts-Economics, *magna cum laude* 1983
Phi Beta Kappa Honorary Society
Graduated with High Honors
University of Colorado
Juris Doctor, 1986

DISTINCTIONS

Martindale Hubbell "Rated AV Preeminent® Highest Possible Rating in Both Legal Ability & Ethical Standards by Members of the Bar and Judiciary"

MEMBERSHIPS AND PROFESSIONAL AFFILIATIONS

State Bar of California, Colorado, Nevada
United States District Court, Central/Southern Districts of California
United States District Court, District of Nevada
Clark County (Nevada) Bar Association
WBENC – Women's Business Enterprise National Council

AUTHOR AND PRESENTER

When Is Arbitration Better Than Trial?
September 2017, Travelers

Ten Drop Dead Contract Provisions and Other Best Practices Re: Condominium Projects. May 2017, Travelers

Document Retention Policy for Design Professionals
December 2016, Travelers

Is Contractually Waiving Trial by Jury a Good Thing?
July 2016, Travelers

The Legal Side of Design – Mock Trial
September 2015, American Institute of Architects, Las Vegas Chapter

Disability, Accessibility & Liability: What an Architect Should Know; AIA Trust 2014; AIA, OC Chpt.: 2014; AIA National, 2015

Disability, Accessibility, and Liability: Who's Responsible for ADA and FHA Compliance? VOSCO's 53rd Meeting of Invited Attorneys, May 2014

Top Ten Drop-Dead Contract Clauses Design Professionals Cannot Ignore (and More) NSBAIDRD and AIA Nevada, May/December 2013

Construction Projects and ADA Accessibility Compliance – The Owner/Developer Perspective. Strafford Webinar, May 2013

Blueprint for Design Professionals. Navigators, Spring 2013

Liability for ADA and FHA Compliance and Risk Management for the Design Professional. NSPE, 2013

Who's Responsible for ADA and FHA Compliance? RLI, 2012; AIA, A/E ProNet, 2013; AIA, OC Chpt., 2013, 2017; CSI, OC Chpt., 2013

UDC – Universal Development, LP v. CH2M Hill. VOSCO's 51st Meeting of Invited Attorneys-Large Firm Roundtable, May 2012

Nevada Supreme Court's Decision Bars Owner's Tort and Contract Claims Against Design Professionals under the ADA and FHA. Travelers, 2012

Finally a Certificate of Merit Statute with Teeth, April 2012

California Places Client Defense Burden on Design Firms
VOSCO's Guidelines for Improving Practice, 2012

Are You Defenseless Against the Duty to Defend?
AIA California Council, 2010

Construction Do's and Don'ts
Construction Specifications Institute, 2008

The Best Laid Plans of Mice and Men Often Go Awry: Looking Back and Ahead. VOSCO's 47th Meeting of Invited Attorneys, May 2008

Risk Management for the Design Professional
Presented to multiple design firms and State of Nevada Board of Professional Engineers and Land Surveyors, 2007)

Negotiating High Risk Contracts. AIA, Half Moon Seminars, 2006

Common Pitfalls in Construction Contracts and How to Avoid Them.
ASCE, AIA, Half Moon Seminars, 2005

CONTRIBUTOR

Travelers Contract Guide
(2008, authored Chapter on Warranties and Guarantees)

PUBLISHED DECISIONS

Represented the architect and engineer in the appeal to the Nevada Supreme Court which led to landmark ruling in *Terracon Consultants Western, Inc., et al. v. Mandalay Resort Group, et al.*, 206 P.3d 81 (Nev. 2009) extending the Economic Loss Doctrine to design professionals in construction actions.

Represented the architect in a petition for writ of mandamus to the Nevada Supreme Court in *OTAK Nevada, LLC v. Eighth Judicial District Court*, 127 Advance Opinion 53 (Nev. 2011) whereby the Court held that Nevada's Certificate of Merit statute protecting design professionals must be strictly enforced by lower courts.

Represented the ADA consultant in a petition for writ of mandamus to the Nevada Supreme Court in *Rolf Jensen Associates, Inc. v. Eighth Judicial District Court*, 282 P.3d 743, 26 A.D. Cases 1509, 128 Nev. Advance Opinion 42 (2012) whereby the Court held that an owner's claims for indemnity and contribution for ADA and FHA violations are barred under the doctrine of Federal obstacle preemption.