



Malcolm S. McNeil

INTERNATIONAL PRACTICE CO-LEADER

Malcolm focuses on litigation, business, and transactional matters involving international clients.



Industries

Cannabis
Consumer Products
Media & Entertainment
National Security

Practices

Coronavirus (COVID-19) Task Force
Blockchain
Complex Litigation
International Arbitration & Dispute Resolution

International

Asia
China
Japan

Education

Loyola Law School, Los Angeles JD
Antioch University BA

Offices

Los Angeles
San Francisco

Phone

213.443.7656
415.757.5500

Email

malcolm.mcneil@arentfox.com

Malcolm has over 35 years of litigation and commercial experience in a wide variety of matters including business/commercial, construction (defect and coverage issues), employment disputes, administrative proceedings, trade secrets, probate, media and entertainment, intellectual property, partnership dissolutions, and real estate. Malcolm has 25 years of experience resolving civil disputes as a mediator and is a panel mediator for the United States District Court, Central District of California.

Malcolm has litigated issues for a wide variety of businesses including those in the venture capital formation, retail, entertainment, textile, manufacturing, import/export, real estate investment, aviation, and publishing. He is keenly aware of the legal and business needs of his clients, and provides strategic solutions to commercial disputes that help enable his clients' businesses to keep moving forward. He also has experience in cross-border negotiations and has an established network of colleagues globally assisting foreign countries as needs arise. Malcolm's practice has included representation of clients in most forums, including a range of administrative forums, statewide and nationally. Known for his leadership and accomplishments, particularly for clients with business interests in China, Malcolm is a panel member on the Shenzhen Court of International Arbitration, the Beijing International Arbitration Commission, and the Harbin Arbitration Commission. Malcolm serves as the co-leader of Arent Fox's International Group, and is the vice president of the Beverly Hills Bar Association.

Client Work

Recently, Malcolm and his team successfully represented a Chinese-based fabricated steel shelving manufacturer in a breach of contract claim in federal court, where a jury awarded his client a verdict of more than \$3.3 million.

Malcolm has handled the following cases:

- **General Commercial:** Broad range of complex civil cases involving issues of contract interpretation, buy-sell agreements (including appraisals of real property and businesses), unfair competition, and insurance coverage disputes.

Partnership Disputes: Partnership disputes and dissolutions involving a variety of businesses, including professional medical partnership disputes.

- **Real Property:** Real property matters have included commercial landlord/tenant disputes, construction, including defect and environmental issues.
- **Employment:** Employment compensation agreements, executive employment agreements, discrimination, harassment, and wrongful termination matters.

Previous Work

Prior to Arent Fox, Malcolm was the leader of the International Practice Group at a national law firm. He was also the principal in his own practice for 20 years focusing on an international base of clients located throughout the globe.

Professional Activities

- Beverly Hills Bar Association, Vice President
- American Bar Association Section of International Law to the Beverly Hills Bar Association, Liaison
- American Bar Association Section of International Law, Vice Chair of the Northeast Asia, Japan & Korea Committee
- American Bar Association Section of International Law to the State Bar of California, Vice Chair of the Asia/Pacific Committee
- American Bar Association Section of International Law to the State Bar of California, Vice Chair of the International Mediation Committee
- American Bar Association Section of International Law to the State Bar of California, Steering Group Member International Trade Committee
- American Bar Association Section of International Law to the State Bar of California, Liaison
- American Bar Association, International Trade Committee, Senior Advisor
- State Bar of California Committee on Alternative Dispute Resolution, Member
- USC School of Law's Institute for Corporate Counsel, Advisory Board Member
- California Fashion Association, Advisory Board Member
- Beverly Hills Bar Association Section of International Law to the State Bar of California, Liaison
- Beijing Arbitration Commission, Panel Arbitrator
- Shenzhen International Arbitration Commission, Panel Arbitrator
- Harbin Arbitration Commission, Panel Arbitrator
- Hong Kong Association of Southern California, Director
- International Law Section, Los Angeles County Bar Association, Past Chair
- American Bar Association, China Committee Section on International Law, Co-Chair
- International Association of Young Lawyers (AIJA), Past President and Current Member
- International Bar Association (IBA), Member
- Inter-Pacific Bar Association (IPBA), Member
- Consumers Attorneys Association of Los Angeles, Member
- World Intellectual Property Organization (WIPO), Member
- Hollywood Chamber of Commerce, Member

Publications, Presentations & Recognitions

Publications

- Author: "How to Assure the Board's Attention to Cyber Risks," *Daily Journal* (December 2018)
- Co-Author: "Never Ending Story: Sudden Changes to California's Proposed Cannabis Regulations," *Arent Fox Alert* (November 2018)
- Co-author: "Data Breach Class Action Lawsuits: First Response for Defense - Motion to Dismiss for Lack of Standing," *Pratt's Privacy & Cybersecurity Law Report* (January 2017)
- Author: "The World is Not Enough – Or is It?," *Financier Worldwide* (June 2013)
- Co-author: "SLAPP: Malpractice Coverage Impacted Increasingly by Recent Decisions," *Insurance Advocate* (May 21, 2012)
- Author: "Corporate and Board Member Liability: Developments in the Post-Enron and Sarbanes-Oxley Environment," *International Law Journal and Newsletter*, LACBA (May 7, 2009)

Presentations & Events

- New US Trends on Fair Use and EU Copyright Directive: Rules for Growth or Startup Killers? (Moderator), Presented by: American Bar Association, International Law Section, September 13, 2019
- New Developments in Resolving International Disputes, Presented by: Long Beach Area Chamber of Commerce, June 27, 2019
- Webinar: SB 766 – The International Arbitration California Gold Rush!, California Lawyers Association, Litigation Section, September 5, 2018
- International Lawyers: Past, Present & Future, AIJA 56th International Young Lawyers Congress, Brussels, August 28, 2018
- Doing Business in and with Emerging Markets 2016, Presented by: Practising Law Institute, New York, NY, July 7, 2016
- Bioenergy Economic & Policy and Sustainable Development (Moderator), Presented by: 5th Annual World Congress of Bioenergy, Xi'an, China, September 24, 2015
- 2015 International Institute of Air and Space Law (IIASL) Conference, (Moot Court Judge) Presented by: Leiden University, Beijing, China, April 9, 2015
- How To Series, (Moderator) Presented by: International Association of Young Lawyers, Hong Kong, China, March 29, 2014
- 2013 LegalPorts Conference, (Moderator) Presented by: Port of Los Angeles, Los Angeles County Bar Association, Long Beach Bar Association & Keesal, Young & Logan Long Beach, CA, September 26, 2013
- 6th Annual Global Outsourcing Summit (Speaker), June 15, 2013
- Mergers and Acquisitions Seminar (Speaker) Presented by: International Association of Young Lawyers, February 1, 2013
- Your Passport to Getting the Information You Need from Abroad: The Nuts and Bolts of International Discovery (Speaker) Presented by: Beverly Hills Bar Association's Barristers Workshop and the International Law Committee, Beverly Hills, CA, May 29, 2012
- Recent Legal and Business Developments in Global Trade (Chair) Presented by: Los Angeles County Bar Association, Los Angeles, CA, May 3, 2012
- Due Diligence Investigations: What To Look for and How to Find It (Panelist) Presented by: International Investigations Seminar, San Francisco, CA, March 16, 2012
- Contract Session: Sales/Distribution Agreements (Speaker) Presented by: The International Association of Young Lawyers (AIJA) International Trade & Transport Symposium, Los Angeles, CA, October 14, 2011
- International Protection of Life Sciences Advancements (Speaker) Presented by: BIT's 1st Annual World Congress of Bioenergy Dalian, China, April 26, 2011
- Practical Issues for Doing Business Abroad (AKA Expect The Unexpected ... Or Stay Home!)

- (Speaker) Presented by: International Section of the Los Angeles County Bar Association: 2010 Annual Seminar For Corporate Counsel Temecula, CA, September 25, 2010
- Emerging Market Summit (Speaker) Presented by: AP-CEO Changchun China, September 1-4, 2010
 - International Financial Law and Institutions – Islamic Banking Issues, Latin American Trends and Asian Future (Speaker) Presented by: Southwestern Law School: 2021 International Law Ten Years from Now, Los Angeles, CA, February 26, 2011
 - Representing Foreign Parties in Lawsuits (Speaker) Presented by: State Bar of California 82nd Annual Meeting, September 11, 2009
 - Litigation and Alternative Dispute Resolution in the U.S. (Speaker) Presented by: Los Angeles County Bar Association International Section Presentation to Law Society of England and Wales, Los Angeles, CA, August 2, 2010
 - The Nuts and Bolts of International Arbitration and Litigation (Speaker) Presented by: Los Angeles County Bar Association, International Law Section Inglewood, CA, June 16, 2010
 - Work-Life Balance and the Economic Crisis: Is Work-Life Balance Dead? (Speaker) Presented by: ABA: 2010 Spring Meeting, New York, April 13, 2010
 - How To Handle An International Client (Presenter) Presented by: State Bar of California, Section Education Institute, March 11, 2010
 - Civil Liability of Board Members in the United States: Lessons from Enron and Worldcom (Speaker) Presented by: The 3rd Annual Global Outsourcing Summit, September 3, 2009

Recognitions

- Recipient of the Lifetime Achievement Award from the International Association of Young Lawyers
- Named to “Southern California’s Top Rated Lawyers” by *Legal Leaders* (2013)
- Recognized by the Southern California edition of *SuperLawyer* (2014-2017)
- Recognized by Martindale-Hubbell as “AV Preeminent” which is the highest peer rating
- Named an honorary lifetime member to the Lahore High Court Bar Association for his efforts to free imprisoned Pakistani attorneys

Life Beyond the Law

Malcolm sits on the Board of Regents for California Lutheran University; he is a past member of the Board of Trustees of The Chicago School of Professional Psychology and past Board Member Chair of the Enrollment Management Committee of Woodbury University, and past chair of the Board of Trustees of Antioch University Los Angeles. Malcolm is also a Screen Actors Guild (SAG) Member and a member of the British Academy of Film and Television Artists (BAFTA) in Los Angeles.

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Bar Admissions

California
District of Columbia

Court Admissions

Supreme Court of the United States
US District Court, Central District of California
US District Court, Southern District of California
US District Court, Eastern District of California
US District Court, Northern District of California
US Court of Appeals, 5th Circuit
US Court of Appeals, 9th Circuit
US Court of Appeals, District of Columbia Circuit
US Court of International Trade