



Daniel W. Ballesteros

Hiring Shareholder, Real Estate and Litigation Groups

Practice Overview

Daniel W. Ballesteros specializes in disputes involving legal and real estate professionals. These disputes frequently arise out of the purchase and sale of real property, as well as disputes related to the ownership of real property. He represents clients in all phases of litigation and arbitration from mediation to motion practice and arbitration or trial. He has successfully defended owners and brokers against allegations of nondisclosure, misrepresentation and breach of fiduciary duties. He has successfully defended attorneys against claims of malpractice and breach of fiduciary duty. In addition, he has represented owners of real property in all manner of disputes, including specific performance actions, partition actions and tort claims by and against third parties.

Recent Matters

- Successfully represented owner of a minority interest in shopping mall against fraudulent majority owner.
- Successfully defended seller of Morgan Hill Christmas tree farm against claims of fraud and nondisclosure at binding arbitration.
- Successfully defended production house developer against claim for specific performance by defaulting buyer at trial.
- Successfully prosecuted claim for partition by sister against brother involving 40-unit apartment building.
- Successfully defended broker against claims of negligence and breach of fiduciary duty arising out of sale of single family residence.
- Defended attorney against claims of breach of fiduciary duty and elder abuse arising out of loan agreement.

Education

J.D., Boalt Hall School of Law,
University of California
at Berkeley

B.A., Public Policy
Stanford University

Licensed to practice
in California

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Articles and Speaking Engagements

Mr. Ballesteros recently chaired the Steering Committee for the highly successful San Jose Downtown Real Estate Tour. He has also presented risk management seminars focusing on broker disclosure duties, fiduciary duties and other ethical issues. He has written numerous articles, the subjects of which range from the discovery process and alternative dispute resolution, to the recovery of attorneys fees in real property actions, and the statutes of limitations in real estate and other cases. He was also recently recognized by *San Jose Magazine* and *Super Lawyer Magazine* as one of Silicon Valley's top real estate attorneys.

Professional Activities

Mr. Ballesteros is serving his third year as a member of the Executive Committee of the Real Property Law Section of the California State Bar, is the Chair of the Section's Retreat Committee, has served three terms as Chair of the Executive Committee of the Santa Clara County Bar Association, and is a member of the Santa Clara County Chapter of the American Inns of Court. He is admitted to practice before all California courts, the California Northern, Southern and Eastern Districts of the United States District Court, and the Ninth Circuit of the United States Court of Appeals.

Community Activities

In addition to his Bar Association activities, Mr. Ballesteros is the Chairman of the Board of Trustees of the Mexican Heritage Plaza, a regional arts center committed to the celebration and preservation of the art and culture of Mexico. He also coaches the Mountain View High School Mock Trial Team, which has made it to the final four two of the past four years. Last year he coached his fourteen-year-old daughter's AYSO team and this year he is coaching his eleven-year-old son's.