

Matthew S. Kahn

Partner

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San Francisco

Matthew S. Kahn is a Litigation partner in the San Francisco office of Gibson, Dunn & Crutcher. He is co-chair of the Law Firm Defense Group and a member of the Securities Litigation, Class Actions, and Real Estate Disputes Groups.

Matt's practice focuses on law firm defense, securities and derivative litigation, real estate litigation, and class action defense. His law firm defense practice received significant national recognition in the 2024 edition of *Chambers USA*, with Matt ranked Band 2 and the firm ranked Band 1. Recognized on multiple occasions by *Law360* as a "Legal Lion, twice honored as a California Lawyer of the Year by the *Daily Journal*, and acknowledged as a "Litigation Star" by *Benchmark Litigation*, Matt has experience at all phases of trial court litigation and arbitration, including several victories at trial. Matt has successfully represented law firms, companies, boards of directors, and individuals throughout the country in high-stakes matters in federal and state courts and arbitrations, involving claims, among others, for legal malpractice, breach of fiduciary duty, and aiding and abetting tortious conduct; violation of the Securities Act of 1933 and Securities Exchange Act of 1934; and California's Unfair Competition Law and Consumers Legal Remedies Act. Matt also has significant experience in the prosecution and defense of commercial and real estate contracts and business tort actions and regularly advises clients regarding complex information law matters.

Matt frequently handles bet-the-company litigation and precedent-setting matters. He recently won a unanimous 9-0 ruling from the U.S. Supreme Court that plaintiffs suing under Section 11 of the Securities Act of 1933 must plead and prove that they bought shares registered under the allegedly misleading registration statement. *Slack Technologies, LLC v. Pirani*, 143 S.Ct. 1433 (2023). He regularly defends law firms against 9-figure exposure claims. His depositions of former Secretary of State, Labor and Treasury George Shultz and whistleblower Tyler Shultz in litigation against Theranos Inc. and its founder Elizabeth Holmes are featured in the HBO documentary *The Inventor: Out for Blood in Silicon Valley* and ABC News's *The Dropout*, an investigative podcast following the story of Elizabeth Holmes and Theranos.

Matt is a fellow of the American Bar Foundation, and a member of the American Bar Association, the Bar Association of San Francisco (BASF), and the Association of Professional Responsibility Lawyers. He also serves on the Board of Directors of the Justice and Diversity Center of BASF and the Executive Committee of BASF's Legal Malpractice Section, as well as a Judge Pro Tempore and Settlement Conference Officer for the San Francisco County Superior Court. In the latter roles, Matt presides over discovery disputes and mandatory settlement conferences in civil cases.

Matt clerked for the Honorable Mary L. Cooper, United States District Judge for the District of New Jersey, from 2003 to 2004. Matt received his law degree, with distinction, from Stanford Law School in 2003. He received his B.A. in political science with honors, from Swarthmore College in 1999, where he was elected to Phi Beta Kappa and was captain of



Capabilities

Law Firm Defense
Class Actions
Securities Litigation
Technology Litigation
Trials

Credentials

Education

Stanford University - 2003 Juris Doctor
Swarthmore College - 1999 Bachelor of Arts

Admissions

New York Bar
California Bar

Clerkships

USDC, New Jersey, Hon. Mary L. Cooper,
2003 - 2004

the varsity wrestling team.

Matt is an active provider of pro bono legal services, and he has served on Gibson Dunn's Pro Bono Committee. He was part of a team that recently won a federal jury trial on behalf of a peaceful protester who was shot in the face by a police officer at a racial justice protest. He serves on the Board of Directors of Legal Aid at Work, a non-profit legal services organization that has been assisting low-income, working families for more than 100 years.

Matt's recent speaking engagements include:

- Speaker, BASF Webinar "*Legal Malpractice and Ethics - 2023 in Review*," February 15, 2024
- Speaker, "Legal Malpractice and Ethics - 2022 in Review," Bar Association of San Francisco, San Francisco, CA, January 25, 2023
- Moderator, "'But I CC'd A Lawyer' - In-House Counsel Perspectives On The Attorney-Client Privilege and Attorney Work Product Doctrine," Bar Association of San Francisco, San Francisco, CA, January 12, 2023
- Speaker, "Professionalism in the Practice of Law," Bar Association of San Francisco, San Francisco, CA, September 14, 2022
- Speaker, "Dos and Don'ts of Law & Motion in SF Superior," Bar Association of San Francisco, Litigation Section, San Francisco, CA, June 24, 2022
- Speaker, "Legal Malpractice and Ethics: 2021 in Review," Bar Association of San Francisco, Legal Malpractice Section, San Francisco, CA, January 21, 2022
- Speaker, "Litigating in a Post-Pandemic World," Bar Association of San Francisco, Litigation Section, San Francisco, CA, November 17, 2021
- Presenter, "Basics of Accounting for Lawyers 2021," Practicing Law Institute, July 28, 2021
- Speaker, "Legal Malpractice and Ethics: 2020 in Review," Bar Association of San Francisco, Legal Malpractice Section, San Francisco, CA, January 12, 2021
- Presenter, "Basics of Accounting for Lawyers 2020," Practicing Law Institute, July 22, 2020
- Speaker, "When Lawyers Don't Get To Talk: Working with fact witnesses to prepare them for deposition," Bar Association of San Francisco, Litigation Section, San Francisco, CA, February 11, 2020
- Speaker, "Legal Malpractice and Ethics: 2019 in Review," Bar Association of San Francisco, Legal Malpractice Section, San Francisco, CA, January 22, 2020
- Speaker, "Dos and Don'ts of Litigation Funding," Bar Association of San Francisco, Litigation Section, San Francisco, CA, January 10, 2020

Matt's publications include:

- "How Lawyers Can Protect Themselves From Claims Arising Out of Their Clients' Knowing Decisions," Article, March 6, 2024
- "Ninth Circuit Asks the New York Court of Appeals Whether Litigation Financing Agreements Are 'Usurious,'" Client Alert, July 13, 2020
- "Think Your Client Is Up To No Good? You May Have a Duty to Inquire," Article, June 24, 2020
- "Risk Management: Lawyers Facing Claims for Breach of Fiduciary Duty," Article, April 25, 2019
- "2017 Year-End Securities Litigation Update," Client Alert, February 1, 2018
- "The Dangers of Attorney Disqualification Motions," Article, November 30, 2017

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- “A Cautionary Tale For Law Firms Engaging With Prosecutors,” Article, August 30, 2017
- “The Gray Zone: What All Lawyers Need To Know About Providing (Or Not Providing) Business Advice After Peterson v. Katten Muchin,” Article, Sept. 2016
- “Transactional Lawyers in the Crosshairs,” Article, July 22, 2015

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