

Thomas M. Ware II - Partner



Thomas Ware received his Bachelor of Arts degree with High Distinction from the University of Nevada at Las Vegas in 1986. He graduated from Loyola Law School (Cum Laude) in 1989 and is a member of Order of the Coif. Mr. Ware was admitted to practice law in California in 1989 and in Nevada in 1991. He is admitted to practice before the Ninth Circuit Court of Appeals and the United States District Court for the Central, Eastern and Southern Districts of California. Mr. Ware remains an active member of the Nevada Bar.

Since 1989, Mr. Ware's practice has focused on the representation of homeowner associations, including condominiums, stock cooperatives, planned unit developments, and other community associations, and their volunteer directors and officers.

Mr. Ware's representation in the field of common interest developments has been varied. In litigation matters, he has represented associations and/or their directors and officers in numerous construction defect cases, developer disputes, CC&R enforcement matters, land use disputes, title issues, controversies

involving architectural modifications and other use restrictions, disputes involving alleged breaches of fiduciary duty, assessment collection, lender and contractor disputes, corporate matters, and insurance related matters. He also has represented associations in connection with general corporate issues, questions concerning CC&R and By-law provisions, preparation of amendments to governing documents, insurance matters, fidelity bond claims, and general issues relating to associations' and directors' fiduciary obligations. Recently, he helped a group of homeowner associations investigate and recoup approximately \$1.5 million arising from a property manager's misappropriation of association funds.

Mr. Ware was one of the attorneys of record for the prevailing parties in the landmark California Supreme Court case *Nahrstedt v. Lakeside Village Condominium Association*, 8 Cal.4th 361 (1994). This case established the legal framework and standards for enforcing CC&R provisions. Mr. Ware was also appellate counsel in *Martin v. Bridgeport Community Assn.*, 173 Cal.App.4th 1024 (2009), which holds that CC&Rs can be enforced against tenants but tenants lack standing to enforce the CC&Rs against the Homeowners Association.

Mr. Ware was selected for inclusion in Super Lawyers 2009[®], Super Lawyers 2010[®], Super Lawyers 2011[®], and Super Lawyers 2012[®] published in Los Angeles Magazine. Mr. Ware has an "AV" ("Pre-Eminent") rating by Martindale-Hubbell[®].

Prior to joining Kulik Gottesman & Siegel, Mr. Ware was a partner in the law firm of Wilner, Klein & Siegel.