

# Fabian VanCott



## Eleissa Lavelle

Email: [elavelle@fabianvancott.com](mailto:elavelle@fabianvancott.com)

Direct Line : (801) 323-2207

Fax : (877) 898-1168

Mobile : (702) 497-2478

601 South Tenth Street

Suite 204

Las Vegas, Nevada 89101

## Practice Areas:



Business Transactions &  
Corporate Law



Litigation, Trials &  
Appeals



Real Estate

## Biography

Eleissa Lavelle is Of Counsel with Fabian VanCott, having practiced more than 30 years as a trial, appellate and transactional attorney, while also having extensive experience as a mediator and arbitrator. She has been involved as an advocate and arbitrator in a number of matters involving public and private construction, real estate and commercial disputes, including those arising from the development, financing, constructions leasing and management of shopping centers, offices, industrial facilities and residential projects. As a mediator and arbitrator, Eleissa has resolved disputes involving dissolution of business enterprises, trust administration, financial institutions, investments, and a wide variety of commercial property and real estate transactions. In complex cases, she is able to team with other Fabian VanCott attorneys with expertise in the firm's core competency areas. Eleissa is an adjunct professor at Boyd Law School at the University of Nevada at Las Vegas, where she teaches negotiation and real estate finance. She received her LL.M. degree in dispute resolution from Pepperdine Law School, and earned both her juris doctor and bachelor's degrees from the University of Utah. Eleissa is admitted to the state and federal courts of Utah and Nevada as well as the 9th U.S. Circuit Court of Appeals.

## Professional

Recognized as a "Best Lawyer", The Best Lawyers in America, 2012-2015

Recognized as a "Super Lawyer", Mountain States Super Lawyers, 2007-2014

## Professional (cont.)

Adjunct faculty member, Real Estate Finance and Negotiation, Boyd School of Law, University of Nevada, Las Vegas

Fellow, Chartered Institute of Arbitrators

Nevada Supreme Court Settlement Judge

Faculty, National Institute of Trial Advocacy, 2013-2015

Mediator, U.S. District Court for Nevada's Section 1983 Inmate Early Mediation Program

Member, Clark County School District Bond Oversight Committee

Drafted legislation involving dispute resolution systems and processes for common interest communities

State Bar of Nevada's First Bar Counsel

Mediator and Arbitrator, JAMS, The Resolution Experts, January 2012 - Present

Partner, Duane Morris, LLP, January 2010 - December 2011

Partner, Watt, Tieder, Hoffar & Fitzgerald, January 2007 - December 2009

Shareholder, Lavelle & Associates, PC

Admitted, U.S. District Courts of Nevada, U.S. District Courts of Utah, U.S. Court of Appeals for the Ninth Circuit

Member, State Bar of Nevada, Utah State Bar

## Representative Projects

### BUSINESS/COMMERCIAL

Contract, secured transactions, valuation, business entity dissolutions, buy-sell agreements, and shareholder disputes, including:

- Disputes involving business buyouts and non-compete agreements
- Disputes involving inter-creditor agreements and disputes among participating lenders
- Enforcement of guarantee agreements, deeds of trust, and other secured transactions
- Shareholder and limited liability company member claims of fraud, breach of fiduciary duty, and mismanagement

## Representative Projects (cont.)

### CONSTRUCTION

Delay, disruption, defective construction, surety, and licensing disputes between and among public and private owners, construction managers, contractors, subcontractors, and sureties, including:

- Coverage and indemnity disputes under surety agreements
- Defective construction claims involving individual single family homes, residential development, and commercial properties
- Delay and disruption claims
- Enforcement and priority of mechanic's liens
- Insurance coverage disputes in connection with defective construction claims

### INSURANCE/SURETY

General liability, malpractice, title insurance, and surety agreements, including:

- Coverage disputes arising from legal malpractice, real estate, title, construction, and general commercial liability policy disputes
- Enforceability of payment and performance bonds
- Enforcement of indemnity agreements
- Title insurance coverage claims involving alleged broken priority in construction projects
- Disputes concerning title insurance coverage, including disputes among title insurers

### FINANCIAL MARKETS

Represented clients in matters and conducted mediation and arbitration for banks, financial institutions, and regulatory agencies. Matters included inter-lender disputes, loan participation disputes among lenders, and disputes concerning solicitations and participation of investors in loan transactions, including fraud and breach of fiduciary duties claims.

### PERSONAL INJURY

Cases involving personal injury and wrongful death claims, including:

- Automobile accident case tried to jury and reversed on appeal
- Wrongful death case involving alleged negligent design of freeway bypass and signage

## Representative Projects (cont.)

### PROFESSIONAL LIABILITY

Legal and medical malpractice, including:

- Established Nevada's first Office of Bar Counsel and subsequently appointed on Nevada State Bar arbitral panels overseeing alleged ethical violations and attorney malfeasance
- Legal malpractice disputes involving real estate and commercial transactions
- Litigated both legal and medical malpractice cases

### REAL PROPERTY

Common-interest communities, purchase and sale agreements, title and easement disputes, condemnation and valuation matters, and commercial landlord-tenant disputes, including:

- Condemnation by public authorities and utilities
- Interpretation and enforcement of restrictive covenants in common-interest communities
- Super-priority issues involving community associations and lenders
- Title and competing priority disputes among secured lenders and developers
- Title and competing priority disputes among secured lenders and mechanic's lien claimants
- Distressed commercial developments involving sophisticated lenders, developers, guarantors and title companies
- Competing title and priority disputes involving lenders, contractors, title insurers and other lien-holders
- Commercial landlord-tenant disputes, including those involving tenant improvements, alleged abandonment of shopping centers by anchor tenants, repair issues and other lease disputes
- Numerous premises liability cases
- Matters involving ground, shopping center, telecommunication and office building leases
- Dispute concerning alleged violations of restrictive covenants, breach of contract and statutory obligations among community associations, owners and community managers
- Disputes regarding valuation of real property, and real estate brokers and sellers

## Education

L.L.M. Degree in Dispute Resolution, Straus Institute at Pepperdine University School of Law

J.D., S. J. Quinney College of Law, University of Utah

B.A., University of Utah, magna cum laude, Phi Beta Kappa and Phi Kappa Phi

## Publications & Presenta-

Author, "Timing Is Everything: Balance Risk and Opportunity to Decide When to Mediate", JAMS Global Construction Solutions, Spring 2014

Speaker, "Effective Use of Experts in Arbitration", State Bar of Nevada Annual Meeting, 2014

Speaker, "Ethical Aspects of Building an Arbitration Practice", American Bar Association Webinar, 2013

Speaker, "Legislative Update: Common Interest Community Operation, Management and Dispute Resolution", State Bar of Nevada Webinar, 2013

Settlement Conference Training, Clark County District Court Judges, 2013

Speaker, "Strategies to Streamline Your Arbitration", Southern Nevada Association of Women Attorneys, 2013

Speaker, "Strategies for Managing Disputes and Claims Without Litigation", Construction Management Association of America, South Nevada Chapter, 2012

Author, "Payment and Lien Statutes Are Potential Landmines", Modern Contract Solutions, 2010