

Attorney Bio

James J. Brosnahan



SENIOR TRIAL COUNSEL

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James J. Brosnahan regularly undertakes complex cases that are about to go to trial. He has tried, to conclusion, 150 cases. The cases have ranged from anti-trust to wire fraud and from patent litigation to white collar crime and murder. A “lion of the trial bar,” Mr. Brosnahan is one of the most respected and recognized trial lawyers in the United States. Mr. Brosnahan has more than 50 years of experience in both civil and criminal trial work. He has tried, to conclusion, 150 cases, including many renowned cases involving bet-the-company commercial litigation and white-collar defense, patent, money laundering, libel, murder, mail fraud, insurance bad faith, environmental property damage, divorce, child custody, tax evasion, bank embezzlement, theft of government property, real estate fraud, narcotics, obstruction of justice, perjury, conspiracy, interstate transportation of wagering information, antitrust, including monopolization and price fixing, securities, contract actions, wrongful death actions, maritime, personal injury, product liability, negligence, life insurance, savings and loan fraud, interstate transportation of explosive materials, professional misconduct, immigration and other miscellaneous civil and criminal cases. Mr. Brosnahan has argued both civil and criminal appeals in state and federal court, including two cases in the United States Supreme Court: *United States v. Caceres*, 440 U.S. 741 (1979), and *Eu v. San Francisco County Democratic Central Committee*, 109 S. Ct. 1013 (1989).

Mr. Brosnahan has received numerous honors and awards throughout his distinguished career. In 1996, he was inducted into the State Bar of California’s “Trial Lawyers Hall of Fame” and was awarded the Samuel E. Gates Award by the American College of Trial Lawyers in 2000 for his “significant, exceptional, lasting contribution to the improvement of the litigation process.” In 2001, he was named “Trial Lawyer of the Year” by the American Board of Trial Advocates, and the following year, the San Francisco Lawyers’ Club honored Mr. Brosnahan with its inaugural “Legend of the Law” award. In 2006, he was named one of America’s most influential trial lawyers by the *National Law Journal*. In 2007, he received the American Inns of Court Lewis F. Powell Award for Professionalism and Ethics to recognize a “lifetime devoted to the highest standards of ethical practice, competence, and professionalism.” In 2011, he received the Judge Learned Hand Award from the American Jewish Committee. He was recognized as a 2012 Lifetime Achiever by *The American Lawyer* which recognizes outstanding professional success and a devotion to public service. Mr. Brosnahan is a past president of the Bar Association of San Francisco, whose Volunteer Legal Service Program

This is MoFo.

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he founded. He was also a National Institute of Trial Advocacy (NITA) Teacher of the Year.

Mr. Brosnahan has served as special counsel to the California Legislature's Joint Subcommittee on Crude Oil Pricing, the lawyer representative to the Ninth Circuit Judicial Conference and Chairman of the Delegation. Mr. Brosnahan also serves as Master Advocate on the faculty and member of the Board of Trustees of the National Institute for Trial Advocacy.

His lecture series, "Great Trials and Great Lawyers," was featured with The Teaching Company's America's SuperStar Teachers. Mr. Brosnahan wrote the *Trial Handbook for California Lawyers*, 543 pp., Bancroft-Whitney.

Practices

- Trials
- Litigation
- Securities Litigation, Enforcement + White-Collar Defense
- Appellate + Supreme Court
- Patent Litigation
- Antitrust + Competition Law
- Product Liability
- Intellectual Property Litigation

Continuing Legal Education and Speaking Programs

Mr. Brosnahan is regularly engaged in teaching continuing legal education programs at law schools and to professional legal organizations on various topics. His expertise includes overall trial strategies in planning, discovery, witness preparation and jury selection as well as evidence, first amendment, criminal, antitrust, the Supreme Court, constitutional law, appellate, legal argument, civil procedure, torts, and legal ethics. He is also a frequent keynote speaker at legal conferences and bar association programs.

Education and Experience

Boston College (B.S.B.A., 1956)

Harvard Law School (LL.B., 1959)

Professional Recognition

- Honored as a 2012 Lifetime Achiever by *The American Lawyer* which recognizes outstanding professional success and a devotion to public service.
- Named as a Senior Statesman by *Chambers USA* as a nationally recognized trial lawyer.

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- Recognized as an elite Leading Lawyer by *Legal 500 US*.
- Listed by the *National Law Journal* in its 2006 "Top 100 Most Influential Lawyers in America."
- Listed by *Chambers USA* for General Commercial Litigation (2005-2009), White-Collar Crime/Government Investigations (2005-2014), and Trial Lawyers (2009-2014).
- Recognized by the National Academy of Criminal Defense Attorneys as one of the Top 10 Criminal Defense Attorneys in Northern California.
- Since 1987, he has been annually named in both the Criminal Defense and Business Litigation sections of *The Best Lawyers in America*. Also listed in the fields of Bet-the-Company Litigation, ERISA Litigation, Personal Injury, Securities Litigation, and White Collar Defense.
- Listed by *Legal 500 US* as a leading lawyer in White-Collar Criminal Defense.
- Listed by *Benchmark Litigation* as a Litigation Star.
- Recognized by *The Best of the Best USA Litigation 2013*
- *United States Lawyer Rankings 2006* List of the Nation's Top 10 Criminal Defense Lawyers.
- Named a leading lawyer in the 2011 *PLC Which Lawyer? Yearbook* for Dispute Resolution.
- Listed in *The Lawdragon 500 Leading Lawyers* (2005-2008) and 3000 Leading Lawyers (2010).
- Named to the Northern California *Super Lawyers* list as one of the top attorneys in California for 2004 through 2014.
- Listed in the top 10 of the top 100 most influential lawyers in California by the *Los Angeles Daily Journal* and the *San Francisco Daily Journal* since 1998.
- The third member inducted into the State Bar of California's "Trial Lawyers Hall of Fame."
- One of only 14 attorneys featured in the book *America's Top Trial Lawyers: Who They Are & Why They Win*, by Dr. Donald E. Vinson.
- In April 1994 the *National Law Journal* listed Mr. Brosnahan in "Profiles in Power: The 100 Most Influential Lawyers."
- In 1990, he was named by the *National Law Journal* as one of the 10 best trial lawyers in the country and in 1980 by the *San Francisco Examiner* as one of the five best attorneys in San Francisco.

Recipient of:

- Honored as a 2012 Lifetime Achiever by *The American Lawyer* which recognizes outstanding professional success and a devotion to public service

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- BASF Award of Merit on behalf of the Civil Gideon Task Force (The Bar Association of San Francisco, 2012)
- American Jewish Committee, Judge Learned Hand Award (2011)
- American Inns of Court Lewis F. Powell Award for Professionalism and Ethics (2007)
- Champion of Justice award from the Civil Justice Program at Loyola Law School (2005)
- University of Virginia Justice William Brennan Award (2003)
- Lawyers' Club of San Francisco Inaugural "Legends of the Law" award (2002)
- California ABOTA "Trial Lawyer of the Year" (2001)
- American College of Trial Lawyers, Samuel E. Gates Award (2000)
- The Wiley E. Manuel Foundation's Community Service Award (1998)
- National Institute for Trial Advocacy Faculty Award (1991)
- National Jewish Fund, Tree of Life Award (1991)
- National Institute for Trial Advocacy Award (1990)
- William O. Douglas Award (1988)
- Father Moriarity Central American Refugee Recognition (1987)
- American Bar Association Pro Bono Publico Award (1987)
- Political Parties and Democracy Award (1986)
- Meiklejohn Award (1986)
- Mexican American Legal Defense and Education Legal Services Award (1985)

Books

- Trial Advocacy Text, 1,000 pages [to be published].
- Chapter: "Corporate Criminal Liability," *White Collar Crimes*, ALI-ABA, 1980, with Samuel Miller and Ron Foy.
- Supplements, 1976-1986.
- *Trial Handbook for California Lawyers*, San Francisco, Bancroft-Whitney, 1974.

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Mr. Brosnahan has tried, to conclusion, 150 cases, including many renowned cases involving bet-the-company commercial litigation and white-collar defense, patent, money laundering, libel, murder, mail fraud, insurance bad faith, environmental property damage, divorce, child custody, tax evasion, bank embezzlement, theft of government property, real estate fraud, narcotics, obstruction of justice, perjury, conspiracy, interstate transportation of wagering information, antitrust, including monopolization and price fixing, securities, contract actions, wrongful death actions, maritime, personal injury, product liability, negligence, life insurance, savings and loan fraud, interstate transportation of explosive materials, professional misconduct, immigration and other miscellaneous civil and criminal cases. A brief description of some of the cases he has handled can be seen below.

- Obtained the release of a man wrongly convicted of arson and murder seventeen years ago (July 2013);
- Obtained a \$32M decision for the Marin General Hospital against Sutter Health in January 2013;
- Obtained successful unanimous opinion by the California Supreme Court on behalf of the California Citizens Redistricting Commission establishing all of the congressional, senate and assembly districts in the state;
- Dismissal of all counts in the Sacramento Federal Court for a Fresno man charged with conspiracy to overthrow the Laotian government;
- Successful defense of Federal False Claims Act Qui Tam civil fraud action in Federal Court in Oakland;
- Second successful defense of Russian technology company and inventor concerning global positioning systems technology (arbitration);
- Successfully convinced the U.S. government not to prosecute two separate former CEOs under investigation for stock option backdating;
- Dismissal of all charges against Patricia Dunn, former chairperson of the board of Hewlett-Packard Corporation;
- Successful defense of Russian technology company and inventor concerning global positioning systems technology;
- Successful defense of Reliant Technologies in a jury trial followed by settlement;
- Successful defense of a global positioning system inventor in Santa Clara Superior Court in an injunction proceeding involving the hiring of 40 Moscow engineers;
- Successful defense of a cardiologist from Redding, California, in a federal Medicare fraud case. After a year and a half of pre-indictment advocacy, the government decided not to prosecute;
- Obtained a jury verdict for an Oakland Raiders football player of \$340,000 in an assault case;

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- Successfully defended the City of Oakland and County of Alameda in the Oakland Raiders litigation and lead defense counsel for the Oakland Alameda County Coliseum and an individual defendant in a five-month jury trial;
- Lead counsel and chief negotiator in defense of the El Paso Corporation in all of its California litigation during the energy crisis;
- Defense of John Walker Lindh;
- Successful defense of the Altera Corporation in a patent case involving reprogrammable computer chips in Federal District Court, San Jose;
- Successful defense of Kevin Barry Artt against extradition sought by the British Government, Federal District Court, Ninth Circuit;
- Successful defense of California Appellate Court Justice in disciplinary proceeding charging failure to follow *stare decisis*;
- Successful resolution of a federal patent case for a major healthcare design and product manufacturer in Minneapolis, Minnesota;
- Successful resolution of a federal patent case in Seattle, Washington for a prominent corporation which produces immune globulin products;
- Successfully defended a highly respected innovative product manufacturer in the first breast implant product liability jury trial in California. The plaintiff's science was excluded on motion and a non-suit was granted at the end of plaintiff's opening statement;
- Successfully defended the same highly respected innovative product manufacturer in the first breast implant product liability jury trial in New Mexico. Plaintiff asked the jury for \$78 million;
- Successfully defended a \$5 million civil tax trial against the State of California on behalf of a client in Reno, Nevada;
- Successful settlement on behalf of one of the world's major software corporations and its CEO in a civil case;
- Successful settlement on behalf of the majority owners of The Golden State Warriors;
- Obtaining a \$15.8 million settlement in Santa Clara Superior Court for a real estate developer;
- Obtaining a successful result in civil and criminal cases for the producers of the movie, "The Crow";
- Associate member of Office of Independent Counsel: Iran-Contra. Lead prosecutor in *U.S. v. Caspar Weinberger*;
- Successfully defended the son of a prominent California family by obtaining not-guilty verdicts in Sacramento County Superior Court on two criminal felony counts of California State Tax evasion. It was reported that this was the largest single-year tax evasion case ever filed in the State of California;

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- Acting as lead counsel in a wrongful termination case for the defendants an international aeronautic and space equipment corporation, in United States District Court, Northern District of California. The verdict was in our favor, and the jury found that the company was not guilty of racial employment discrimination;
- Acting as lead counsel for a leading manufacturer of automated office equipment, in a complex patent infringement jury trial in the Northern District of California. The case was particularly unusual in that it involved extensive use of special procedures, jury instructions, and evidentiary restrictions to avoid prejudice against a foreign intellectual property litigant in U.S. Court;
- Defending a high-profile individual in Federal District Court in San Diego, resulting in hung jury on five out of six counts;
- Successfully defending Steve Psinakis in Federal District Court, San Francisco, on charges of interstate transportation of explosive materials;
- Obtaining a \$9.7 million cash settlement for an individual of Detroit from defendants charged with professional misfeasance, Los Angeles;
- Successfully defending a Honolulu businessman and former State Senator charged with 34 counts of criminal conflicts of interest in connection with a savings and loan association in U.S. District Court, Honolulu, Hawaii;
- Acting as defense counsel in Sanctuary trial in Tucson, Arizona;
- Successfully defending a Chicago insurance agent charged with wire fraud in connection with unions;
- Successfully defending a banker charged with civil fraud in the amount of \$5 million;
- Successfully defending a Los Angeles attorney indicted for perjury;
- Successfully defending the City and County of San Francisco in a trial seeking to stop the construction of the Yerba Buena Center;
- Successfully defending the *San Mateo Times* in a libel case brought by a judge;
- With Floyd Abrams, successfully defending the National Broadcasting Company in *NIEMI v. NBC*, in which it was charged that plaintiff was assaulted by teenagers who got the idea from a television movie, "Born Innocent";
- Successfully defending a leading healthcare services company in a takeover attempt by Sharon Steel and Victor Posner);
- Successfully defending a San Francisco commissioner indicted for obstruction of justice;
- Successfully defending two poverty workers charged with embezzlement;
- Successfully prosecuting Don Silverthorne, who was charged with embezzling \$2.5 million from the San Francisco National Bank.

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A brief description of some of the cases he has handled listed by category can be seen below:

Antitrust

- Lead counsel and chief negotiator in defense of the El Paso Corporation in all of its California litigation during the energy crisis;

Civil Litigation

- Obtained a jury verdict for an Oakland Raiders football player of \$340,000 in an assault case;
- Successfully defended the City of Oakland and County of Alameda in the Oakland Raiders litigation and lead defense counsel for the Oakland Alameda County Coliseum and an individual defendant in a five-month jury trial;
- Successful defense of California Appellate Court Justice in disciplinary proceeding charging failure to follow stare decisis;
- Successfully defended a \$5 million civil tax trial against the State of California on behalf of a client in Reno, Nevada;
- Successfully obtaining settlement on behalf of one of the world's major software corporations and its CEO in a civil case;
- Successfully obtaining settlement on behalf of the majority owners of The Golden State Warriors;
- Obtaining a \$15.8 million settlement in Santa Clara Superior Court for a real estate developer;
- Obtaining a successful result in civil and criminal cases for the producers of the movie, "The Crow";
- Obtaining a \$9.7 million cash settlement for an individual of Detroit from defendants charged with professional misfeasance, Los Angeles;
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- Successfully defending a leading healthcare services company in a takeover attempt by Sharon Steel and Victor Posner.

IP Litigation

- Second successful defense of Russian technology company and inventor concerning global positioning systems technology (arbitration);
- Successful defense of Russian technology company and inventor concerning global positioning systems technology (arbitration);
- Successful defense of Reliant Technologies in a jury trial followed by settlement.

Employment

- Successful defense of a global positioning system inventor in Santa Clara Superior Court in an injunction proceeding involving the hiring of 40 Moscow engineers;
- Acting as lead counsel in a wrongful termination case for the defendants an international aeronautic and space equipment corporation, in United States District Court, Northern District of California. The verdict was in our favor, and the jury found that the company was not guilty of racial employment discrimination;

Patent Litigation

- Successful defense of the Altera Corporation in a patent case involving reprogrammable computer chips. Federal District Court, San Jose;
- Successful resolution of a federal patent case for a major healthcare design and product manufacturer in Minneapolis, MN;
- Successful resolution of a federal patent case in Seattle, Washington for a prominent corporation which produces immune globulin products;
- Acting as lead counsel for a leading manufacturer of automated office equipment, in a complex patent infringement jury trial in the Northern District of California. The case was particularly unusual in that it involved extensive use of special procedures, jury instructions, and evidentiary restrictions to avoid prejudice against a foreign intellectual property litigant in U.S. Court;

Product Liability

- Successfully defended a highly respected innovative product manufacturer in the first breast implant product liability jury trial in California. The plaintiff's science was excluded on motion and a non-suit was granted at the end of plaintiff's opening statement;

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- Successfully defended the same highly respected innovative product manufacturer in the first breast implant product liability jury trial in New Mexico. Plaintiff asked the jury for \$78 million;

White-Collar Criminal Defense

- Successfully convinced the U.S. government not to prosecute two separate former CEOs under investigation for stock option backdating;
- Dismissal of all charges against Patricia Dunn, former chairperson of the board of Hewlett-Packard Corporation;
- Successful defense of a cardiologist from Redding, California, in a federal Medicare fraud case. After a year and a half of pre-indictment advocacy, the government decided not to prosecute;
- Defense of John Walker Lindh;
- Successful defense of Kevin Barry Artt against extradition sought by the British Government, Federal District Court, Ninth Circuit;
- Associate member of Office of Independent Counsel: Iran-Contra. Lead prosecutor in *U.S. v. Caspar Weinberger*;
- Successfully defending the son of a prominent California family by obtaining not-guilty verdicts in Sacramento County Superior Court on two criminal felony counts of California State Tax evasion. It was reported that this was the largest single-year tax evasion case ever filed in the State of California;
- Defending a high profile individual in Federal District Court in San Diego, resulting in hung jury on five out of six counts;
- Successful defense of Steve Psinakis in Federal District Court, San Francisco, on charges of interstate transportation of explosive materials;
- Successful defense of a Honolulu businessman and former State Senator charged with 34 counts of criminal conflicts of interest in connection with a savings and loan association in U.S. District Court, Honolulu, Hawaii;
- Acting as defense counsel in Sanctuary trial in Tucson, Arizona;
- Successfully defending a Chicago insurance man charged with wire fraud in connection with unions;
- Successfully defending a Los Angeles attorney indicted for perjury;
- Successfully defending a San Francisco commissioner indicted for obstruction of justice;
- Successfully defending two poverty workers charged with embezzlement;
- Successfully prosecuting Don Silverthorne, who was charged with embezzling \$2.5 million from the San Francisco National Bank;

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Trials - Teaching Programs

- Santa Clara County Trial Lawyers Association, “Voi Dire Skills” (speaker) (San Jose – October 2012)
- Reno ABOTA, “Great Lawyers Lecture” (speaker) (Reno, NV – September 2012)
- National Institute for Trial Advocacy, “Advanced Advocacy for Solicitors” (speaker) (Belfast, Ireland – September 2012)
- Association of Business Trial Lawyers, “The 10 Most Important Things About Opening Statements” (speaker) (San Francisco, CA – March 2012)
- National Institute of Trial Advocacy, “Trial Lessons from Cicero to Today” (speaker) (Boulder, CO – July 2011)
- The American Bar Association Section of Litigation, “Great Trials and Great Trial Lawyers” and “Trial Lessons from Cicero to Today” (speaker) (Chicago, IL – July 2010)
- Tennessee Judicial Conference, “The Impact of Terrorism on Constitutional Rights and the Judiciary” (speaker) (Knoxville, TN – March 2010)
- Chancery Club, “National Security in 2010 – The Line Between the War on Terror and Civil Liberties” (speaker) (February 2010)
- Federal Bar Association, Inland Southern California Chapter, “In Defense of Judges, Why Every Judge is an Activist Judge” (speaker) (January 2010)
- The Litigation Section of the State Bar of California, “Civil Law Master Class” (faculty member) (June 2009)
- ABA Teleconference Program, “New Trends in Direct and Cross-Examination” and “Lions Still Roar: Veteran Trial Lawyers Share Their Strategies” (speaker) (March 2009)
- ALI-ABA “Opinion and Expert Testimony in Federal and State Courts” (speaker) (San Diego, CA – February 2008)
- Continuing Education of the Bar, “In the Courtroom: Learn from the Masters About What Really Matters at Trial” (speaker) (San Francisco, CA – September 2008)
- The American Bar Association Section of Litigation, “Great Trials and Great Trial Lawyers” (speaker) (Chicago, IL – July 2008)
- ABTL, “The Art of Closing Argument” (speaker) (San Francisco, CA – December 2007)
- The Litigation Section of the Bar Association of San Francisco, “Trial in the Electronic Age: How to Make Technology Work for You” (speaker) (San Francisco, CA – November 2007)

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- The Litigation Section of The Bar Association of San Francisco, “Mentoring Women Lawyers: Women in the Courtroom” (speaker) (San Francisco, CA – October 2007)
- ABA Litigation Institute for Trial Training, “Great Trials and Great Trial Lawyers” (speaker) (Chicago, IL – July 2007)
- Bar Association of San Francisco, “Tips from Trial Lawyer Legends” (panelist) (San Francisco, CA – June 2007)
- San Francisco ABOTA, “Last 100 Days Before Trial” (San Francisco, CA – May 2007)
- The Chancery Club, “In Defense of the Activist Judge” (speaker) (Los Angeles, CA – January 2007)
- Bar Association of San Francisco, Litigation Section “Last 100 Days Before Trial” (panelist) (San Francisco, CA — August 2006)
- Bar Association of San Francisco Litigation Section “Rule 30(b)(6): The Litigator’s Friend or Enemy” (panelist) (San Francisco, CA – June 2006)
- San Francisco Barristers Club, “Litigating in the World of Sports: Where the Game Ends and the Law Begins” (speaker) (San Francisco CA — January 2006)
- National Institute of Trial and Appellate Advocacy (NITA) (faculty) (Boulder, CO — 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 2004, 2005, 2007); Advocacy Program (faculty) (Los Angeles, CA — 1977, 1978, 1979); Advanced Program (team leader) (Gainesville, FL — 1979, 1980, 1981, 1982, 1983); Alumni Program (team leader) (Boulder, CO — 1980, 1981, 1982); Advocacy Program (faculty) (Alaska — 1981); Advanced/Alumni Program (faculty) (Oxford, England — 1982, 1984); Advanced/Alumni Program (faculty) (Boalt Hall — 1983, 1984, 1987); Advanced Program (faculty) (Gainesville, FL — 1988); Advanced Program (faculty) (Boulder, CO — 1984, 1985, 1986, 1987, 1988, 1991, 1992, 1994); Advanced Program (faculty) (Berkeley, CA — 1988, 1989, 1990, 1991, 1992)

Trials - Articles and Publications

- “Trial Practice: Winning with In Limines,” *CEB Civil Litigation Reporter*, Vol 19, No 1, (February 1997)
- “Trial Practice: The Latest Procedures,” *CEB Civil Litigation Reporter*, Vol 18, No. 6 (September 1996)
- “Expert Testimony Concerning Eye Witness Identification,” *N.Y. Law Journal*, October 19, 1993 (with Carl H. Loewenson, Jr.)
- “Pardoning Weinberger Belittles Democracy,” *National Law Journal* (January 1993)

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- “Oral Argument in the Supreme Court,” *California Litigation, Journal of the Litigation Section*, State Bar of California (1992)
- “A Preliminary Injunction and Temporary Restraining Order Primer,” *The Practical Litigator* (Fall 1991)
- “Juror’s Views of Jury Persuasion,” *ABA Journal* (February 1987)
- “Preparing Your Client for Trial,” *BRIEF/CASE* (publication of the Bar Association of San Francisco) (October 1981)
- “Basic Principles of Advocacy: One Trial Lawyer’s View,” *American Journal of Trial Advocacy* (1980)
- “Are You Going Through Life Without a Trial Book?,” *BRIEF/CASE* (September 1979)
- “Jury Selection in State and Federal Courts, A Comparison,” 20(3) *BRIEF/CASE* (1970)

Access to Justice

- The University of San Francisco School of Law, “Centennial Speaker Series” (speaker) (San Francisco, CA — November 2012)
- The Bar Association of San Francisco’s Volunteer Legal Services Program, “Right to Civil Counsel Ordinance and Pilot Program” (speaker) (San Francisco, CA — October 2012)
- Conference of Delegates of California State Bar Associations, “California Constitutions: Right to Counsel in All Cases” (speaker) (Monterey, CA — October 2012)
- Civil Justice Association of California, “Court Funding Crisis” (speaker) (San Francisco, CA — April 2012)
- The Bar Association of San Francisco, “Stand Up for Justice Rally” (speaker) (San Francisco, CA — April 2012)
- The Justice Gap Committee of The Bar Association of San Francisco, “Right to Civil Counsel” (speaker) (San Francisco, CA — January, February and March 2012 and December, November, October, September, August, July, June, March, and February 2011)
- California’s Civil Justice Crisis, Right to Counsel Panel, “Why Everyone Should Be Ensured Representation” (Panelist) (Sacramento, CA — November 2011)

Evidence - Teaching Programs

- ALI-ABA, “Trial Evidence in the Federal Courts: Problems and Solutions” (speaker) (Newport Beach, CA - February 2008)
- ALI-ABA and the Litigation Section of Fordham Law School, “Trial Evidence in Federal and State Courts: Demonstrative Evidence” (speaker) (New York, NY — March 2007)

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- Northern District of California Judicial Conference, “Handle with Care: Managing Explosive Evidence in Morally Charged Cases” (panelist) (Santa Cruz, CA – April 2006)

Evidence - Articles and Publications

- Materials comparing the Nevada Evidence Code and the Federal Evidence Code (with Maria Rivera) (May 1976)
- “Practice Under the Proposed New Federal Rules of Evidence: Selected Authorities Related to Evidence in Federal Criminal Cases” (with Terrence O. Mayo), *ALI-ABA Course of Study* (1973)

First Amendment - Teaching Programs

- Practising Law Institute, “Litigating Libel & Privacy Claims” (speaker) (Los Angeles, CA — July 2000)
- Edward McFetridge Inn of Court, “Ethics Dealing with the Media and the Conduct of Lawyers in High Profile Cases” (speaker) (San Francisco, CA — March 1999)
- Practising Law Institute, “Libel & Newsgathering Litigation” (speaker) (Los Angeles, CA — July 1998)
- Northern District Judicial Conference, “The Media and the Judiciary” (speaker) (Santa Cruz, CA — April 1998)
- International Academy of Trial Lawyers Program, “Media and the Law” (speaker) (San Diego — March 1995)
- ABA Annual Meetings/Tips in Media Law/Defamation Torts Committee and Form on Communication Law, “Cross Examination of an Expert Witness” (Atlanta — August 1994)
- Practising Law Institute—Libel Litigation, “Anticipating and Solving Problems at Trial” (Dissecting the Libel Trial) (Los Angeles — July 1994)
- Bench/Bar Media Committee of Bar Association of San Francisco, “Do Political Figures Get a Fair Shake from the Media?” (speaker) (May 1994)
- Alameda County Bar Association Bench Bar Media Committee, “Full Court Press: Covering (and Trying) the High Profile Case” (panelist) (Oakland — May 1993)
- Practising Law Institute—Libel Litigation, “Coming to Terms with the Rehnquist Court. Is Libel Law a Failure?” (speaker) (Los Angeles — August 1992)

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First Amendment - Articles and Publications

- “Advocacy in First Amendment Trials,” *ABA Litigator* (Summer 1980)
- “From *Times v. Sullivan* to *Gertz v. Welch*: Ten Years of Balancing Libel Law and the First Amendment,” 26 *Hastings Law Journal* 777 (1975)
- “The Burger Court and the First Amendment,” *International Society of Barristers*, Volume 15, No. 4

Criminal - Teaching Programs

- UC Hastings College of the Law, The Criminal Justice Section of the Bar Association of San Francisco, and The Federal Bar Association, “Terrorism and its Legal Implications” (San Francisco, CA — February 2009)
- NACDL and Georgetown Law Center CLE, “Defending the White Collar Case: In & Out of Court” (speaker) (Washington, DC — November 2008)
- State Bar of California, Criminal Law Section “Demonstration of Direct and Cross-examination” (speaker) (San Francisco, California May — 2007)

Criminal - Articles and Publications

- “Lessons from the Sanctuary Trial,” *The Complete Lawyer* (1987)
- “How to Try a Criminal Case Under the New Federal Evidence Code,” *Practical Lawyer* (April 1976)
- “Defense of White Collar Crime: Selected Authorities Relating to Evidence in Federal Criminal Cases and Selected Authorities on Corporate Criminal Liability,” *ALI-ABA Course of Study* (1975)
- “Representing a Client in a Criminal Tax Investigation,” 18 *Practical Lawyer* 67 (1972)

Antitrust - Teaching Programs

- Southern Methodist University School of Law, “Antitrust: Law and Litigation” (Colorado Springs — 1982, 1983 and 1984)
- ALI-ABA, “Antitrust Grand Juries” (Kansas City — October 1979; San Francisco—February 1980)
- ABA Program on Antitrust Grand Juries (Los Angeles — January 1978)

Antitrust - Articles and Publications

- “A Constitutional Attack on the Antitrust Per Se Rule” (with William J. Dowling), *Santa Clara Lawyer* (Spring 1976)

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Supreme Court - Teaching Programs

- Witkin Legal Institute/San Mateo Bar Association, “Recent Developments in the U.S. Supreme Court” (speaker) (Foster City, CA — May 2011)
- Morrison & Foerster, “Recent Developments in the United States Supreme Court” (speaker) (San Francisco, CA — June 2010)
- Berkeley-Albany Bar Association, “Recent Developments in the United States Supreme Court” (speaker) (Berkeley, CA — April 2012, January 2011, January 2010, January 2009, January 2008, January 2007 and January 2006)
- Third Annual Jurisprudence Luncheon, The Bar Association of San Francisco, “California Supreme Court Trends” (speaker) (San Francisco, CA — March 2010)
- The Litigation Section of The Bar Association of San Francisco and the SF Jurisprudence Café, “The Legal Philosophies Behind the California Supreme Court’s Marriage Decision” (speaker) (San Francisco, CA — October 2008)
- Witkin Legal Institute/Fresno County Bar Association, “Recent Developments in the U.S. Supreme Court” (speaker) (Fresno, CA — June 2012, June 2011, June 2010, June 2008, June 2007, and June 2006)
- ABOTA “Important U.S. Supreme Court Cases in the last Year” (speaker) (San Louis Obispo, CA — May 2006)

Constitutional Law - Teaching Programs

- American Constitution Society, the ACLU of Northern California and Golden Gate University School of Law “NSA Spying: Two Years Later” (speaker) (San Francisco, CA — April 2008)
- ABA Annual Meeting, Criminal Justice Section “Invasion of the Personal Information Snatchers: Pretexting, Caller ID, Spoofing and Beyond” (panelist) (San Francisco, CA — August 2007)
- UC Berkeley Center for Law, Business and the Economy “Pretexting” (speaker) (Berkeley, CA — April 2007)
- California State Bar, “Ten Years After Proposition 209: Prohibition Against Discrimination or Preferential Treatment by State and other Public Entities” (panelist) (Monterey, CA — October, 2006)
- Sacramento County Bar Association, “The Current State of Civil Rights in the United States” (panelist) (Sacramento, CA — April 2006)

Constitutional Law - Articles and Publications

- “America’s Constitutional Tolerance of Religious Values and Voices,” *Barristers Magazine* (1987)

James J. Brosnahan

Appellate - Legal Argument

- Woman's Advocate Panel, "Appellate or Motions Practice" (speaker) (San Francisco — May 1994)
- ABA Appellate Practice Institute (panelist) (New Orleans — April 1990)
- ABA Litigation Section Program, "Arguments to the Court" (panelist) (Washington, D.C. — May 1989)
- Hastings Federal Clinic—How to Argue to a Judge (1982 and 1983)

Civil Procedure - Teaching Programs

- ALI-ABA Civil Practice & Litigation Techniques in Federal and State Courts, "How Trial Counsel Differ in Handling Civil and Criminal Cases" (speaker) (Santa Fe, NM — July 2007)

Torts - Teaching Programs

- San Francisco Lawyers Association and California Trial Lawyers Association, "The Marriage of Tort and Business Damages: Litigation Techniques for the Nineties" (speaker) (San Francisco — June 1993)
- Harvard Law School Alumni Association, panelist, "Officers & Directors Liability" (San Francisco — 1986)
- PLI Program, "Toxic Substances Litigation" (1983)

Teaching Law - Articles and Publications

- "Some Suggestions for Enriching the Teaching of Trial Advocacy," *The American Journal of Trial Advocacy* (August 1992)
- "The Teaching of Advocacy: A Personal View and Modest Proposal," *Learning and the Law* (publication of the Section of Legal Education and Admissions to the Bar, Winter 1977)
- "Why Not Teach Law Students How to Represent Clients?" *BRIEF/CASE* (March 1977)
- "Are Practitioners the Best Teachers?" 40 *Learning and the Law*, publication of the Section of Legal Education and Admissions to the Bar, Spring 1976; also appeared in *Quality Legal Services and Continuing Legal Education*, a Report on the National Conference on Continuing Legal Education, Chicago, 1975, published by the ABA

Teaching Law School Students

- Berkeley Law, "Persuasion" (Lecturer), Berkeley, CA – Spring 2012 and Spring 2011
- UC Hastings College of the Law, "The Prosecutor's Relationship with the Media" (speaker) (San Francisco – October 2010)

James J. Brosnahan

- Golden Gate University School of Law, “Cruz Reynoso: Sowing the Seeds of Justice” (speaker) (San Francisco – April 2010)
- University of San Francisco, “Criminal Plea Bargaining” (speaker) (San Francisco, CA — March 2010, February 2007 and January 2006)
- Santa Clara University School of Law, “Picking a Jury” (speaker) (Santa Clara, CA — February 2011, February 2010, February 2007, February 2006 and March 2005)
- UC Hastings College of the Law, “Picking a Jury” (speaker) (San Francisco, CA—February 2007)
- ALI-ABA Beijing School of Law and Remnin University of China, “The Trial of American Business Cases in the Criminal Arena” (faculty) (Shanghai and Beijing, China — June 2006)
- Stanford Law School, “Demonstration of an Opening Statement” (speaker) (Stanford, CA — January 2006)
- ALI-ABA Beijing School of Law and Remnin University of China, “Current Civil Litigation in the United States” (faculty) (Shanghai and Beijing, China — May 2005)
- University of California at Berkeley School of Journalism, “The John Walker Lindh Case: Insights on How to interact with Attorneys” (speaker) (Berkeley, CA — November 2004)
- Open Doors Program, “Civil Rights and Liberties Issues Associated With The Patriot Act and with the Guantanamo Bay Cases decided by the Supreme Court earlier this year” (speaker) (San Francisco, CA — November 2004)
- Loyola Law School, “The International and Domestic Legal Aftermath of 9/11, Civil Liberties and Attorney General Ashcroft” (speaker) (Los Angeles, CA — February 2003)
- Litigation Skills Forum, “How to Break Down Complex Cases — 1) The use of demonstrative evidence; 2) Jury selection; 3) Expert testimony on complex subjects; and 4) Increasing jury comprehension” (speaker) (Century City and Los Angeles, CA — January 2003)
- Hastings College of the Law Great Litigator Speakers Series, “What’s It Like to be a Trial Lawyer and the Defense of John Walker Lindh” (speaker) (San Francisco, CA — January 2003)
- St. Mary’s College, “The Global Community in a Changing World” (speaker) (Moraga, CA — January 2003)
- University of Virginia Trial Advocacy Program, “Direct Examination — Demonstration & Critique” (panelist) (Charlottesville, VA — January 2003)
- Santa Clara University School of Law Trial & Appellate Advocacy Program, “The Defense of John Lindh: Lawyering in a Time of War” (speaker) (Santa Clara, CA — October 2002)

James J. Brosnahan

- UCLA School of Law, “Why Trial Lawyers Take on Difficult Cases” (speaker) (Los Angeles, CA — October 2002)
- Hastings International and Comparative Law Review, “Transformation on Sovereignty” (panelist) (San Francisco, CA — February 2002)
- UCLA School of Law, “Professionalism & Civility in Trial — Decline of Professionalism, Fact or Fiction?” (speaker) (Los Angeles, CA — April 2001)
- Golden Gate University, School of Law, “Jury Selection” (speaker) (San Francisco, CA — April 2001)

Legal Ethics - Teaching Programs

- The Congressman Don Edwards Inn of Court, “Reorganizing the Difficult Client: Some Stories on Ethics and Practicality” (speaker) (San Jose, CA — April 2008)
- The Stanford Center on Ethics, the Stanford Law Review, and the John and Terry Levin Center for Public Service and Public Interest Law “The American Legal Profession: Current Controversies, Future Challenges” (panelist) (Palo Alto, CA — March 2008)
- ABA Annual Meeting Litigation Section, “Lying Clients and Untruthful Witnesses: How to Effectively and Ethically Handle False Testimony” (panelist) (San Francisco, CA — August, 2007)
- ALI-ABA, “Developments in Legal Ethics, What Does It Mean to ‘Counsel,’” “Assist,” or “Aid and Abet” a Client Crime or Fraud? (panelist) (San Francisco, CA — May 2007)
- COPRAC Statewide Ethics Symposium, “The Attorney-Client Relationship: A New Paradigm?” (panelist) (San Francisco, CA — April 2004)
- University of San Francisco Law School, “The Ethical Challenges of Attorneys Representing ‘Enemy Combatants’ as discussed in the recent ABA Task Force Report” (speaker) (San Francisco, CA — April 2004)
- ALI-ABA, Civil Practice and Litigation Techniques in Federal and State Courts, “Ethical Developments: New ABA Rules and Amendments to the Model Rules of Professional Conduct; Conflicts Facing Civil Litigators; Ethical Guidelines for Settlement Negotiations” (panelist) (Scottsdale, AZ — February 2004)

Legal Ethics - Articles and Publications

- Chapter, “The Attorney’s Ethical Conduct During Adversary Proceedings” (with Carol S. Brosnahan) in “Professional Responsibility, A Guide for Attorneys” ABA (1978)

James J. Brosnahan

Legal Profession - Articles and Publications

- “Complete Integration of the San Francisco Bar: The Time Is Now,” *The San Francisco Lawyer* (July 1989)
- “In Today’s Competitive Marketplace . . . Can Lawyers Afford to Do What Feels Good? The Lessons Learned from the Sanctuary Trial Emphasize that the Answer Is Yes,” *The Complete Lawyer* (June 1987)
- “A Case for Judicial Independence, New Court Has Obligation to Heal Wounds of ‘86 Campaign,” *The Los Angeles Times* (March 1987)
- “The Organized Bar and the Judiciary: The Work that Lies Ahead,” 22(4) *BRIEF/CASE 4* (1972)

Public Interest - Articles and Publications

- “As Attorney General, Kennedy Showed the Leadership That Eludes Gonzales,” *The Daily Journal* (August 9, 2007)
- “The California Supreme Court: What Are the Questions?” *The Los Angeles Times* (March 1987)
- “Lesson for Deukmejian: Court Must Be Separate,” *The Los Angeles Times* (September 2, 1986)
- “Why Should We Represent the Poor?” *BRIEF/CASE* (October 1977)
- “The Last Minority,” *In Re* (September 1977)

Keynote Presentations

- California Public Defenders Association, “Heroes and Heroines in the Law to Keep Us Going--What We Can Learn From Them” (speaker) (Palm Springs, CA — October 2012)
- Earl Warren Inn of Court, “Free Speech? Shut Up!” (Team Leader) (Oakland, CA — October 2012)
- The Bar Association of San Francisco – Executive Committee, “California Constitutional Crisis” (speaker) (San Francisco, CA — September 2012)
- Berkeley Law, LL.M. Commencement Speaker (Berkeley, CA — July 2012)
- San Francisco Trial Lawyers Association, “Effectively Telling Your Client’s Story at Trial” (speaker) (San Francisco, CA — June 2012)
- Witkin Legal Institute, Alameda Law Library, “California’s Civil Justice Crisis?” (speaker) (Oakland, CA — May 2012)
- Lawyers Committee for Civil Rights, “The Great Career of Robert Rubin” (speaker) (San Francisco, CA — May 2012)
- Earl Warren Inn of Court, “The Lawyers’ Speech” (Team Leader) (Oakland, CA — November 2011)
- 6th Annual USC Corporate Governance Summit, “Communicating in a Crisis” (speaker) (Los Angeles, CA — October 2011)

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- Ninth Circuit Judicial Conference, “Justice and the Unrepresented: Managing the Caseload” (panelist) (Maui, HI — August 2010)
- The American Bar Association Section of Litigation, “International Human Rights Award Luncheon” (speaker) (San Francisco, CA – July 2010)
- Golden Gate University School of Law, Commencement Speaker (San Francisco, CA — May 2010)
- San Diego County Joint American Inns of Court, “The Traditions of the Inns of Court and Representing the Despised” (keynote speaker) (San Diego, CA — February 2009)
- Alameda County Bar Association, “Is There Idealism in the Law?” (keynote speaker) (Berkeley, CA — January 2009)
- Canadian Bar Association, “Is There Such a Thing as an Activist Judge” (keynote speaker) (San Diego, CA — November 2008)
- The Bar Association of San Francisco, “Bridging the Justice Gap: The Right to a Lawyer” (speaker) (San Francisco, CA — October 2008)
- Sacramento County Bar Association Constitutional Law and Civil Rights Section, “Is there Such a Thing as an Activist Judge?” (speaker) (Sacramento, CA — October 2008)
- The Lawyers’ Club of San Francisco, “In Defense of Judges: Every Judge is an Activist Judge” (speaker) (San Francisco, CA — September 2008)
- Litigation Section of The Bar Association of San Francisco and the SF Jurisprudence Café, “How Judges Decide Cases” (speaker) (San Francisco, CA — October 2007)
- Contra Costa County Bar Association, “In Defense of Judges: Every Judge is an Activist Judge” (keynote speaker) (Walnut Creek, CA — November 2006)
- Hispanic National Bar Association, “Representing the Unpopular Client” (speaker) (San Francisco, CA — September 2006)
- Witkin Legal Institute, San Diego Law Library Luncheon, “What is an Activist Judge?” (speaker) (San Diego, CA — June 2006)
- Earl Warren Inn of Court, “The Evolution of Parentage Law in California as Affected by Scientific, Social, and Other Developments: Who’s Your Daddy?” (Team Leader) (Berkeley, CA — February 2006)
- Federal Bar Association, Northern District of California, “Remembering Cecil Poole” (speaker) (San Francisco, CA — December 2005)
- Rock Rose Institute, “Building Peace One Dream at a Time: The Moral Imagination in Law, Religion and Conflict Resolution” (speaker) (San Francisco, CA — September 2005)
- San Diego Psych Law Society, “The Strains of War: The John Walker Lindh Case” (speaker) (San Diego, CA — September 2005)

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- California Judges Association, “E-ek! But Your Honor: What are Things Attorneys do that Manipulate Judges?” (speaker) (San Francisco, CA — April 2005)
- Los Angeles County Bar Labor and Employment Symposium, “Law in Time of War” (speaker) (Los Angeles, CA — February 2005)
- Earl Warren Inn of Court, “Historic Cross-examination” (Team Leader) (Oakland, CA — January 2005)
- State Bar of California, “Are We Any Safer? The War Against Terrorism and the Law Three Years Later” (panelist) (Monterey, CA — October 2004)
- State Bar of California, “Beating the Odds: Success Strategies for Creating Gender Equity” (panelist) (Monterey, CA — October 2004)
- American Bar Association, “Young Lawyers at the Feet of the Master, An Interview with James J. Brosnahan” (speaker) (Scottsdale, AZ — May 2004)
- Earl Warren Inn of Court, “Legal Arguments for Gay Marriage” (Team Leader) (Oakland, CA — May 2004)
- Bay Area City Attorney’s Group, “Law in Time of War” (speaker) (Livermore, CA – January 2004)
- National Lawyers Guild Speakers Forum on Post 9/11 Issues, “Enemy Combatants and Guantanamo Issues” (speaker) (San Francisco, CA — January 2004)
- U.S. District Court Historical Society, “Ruminations of a Trial Lawyer” (speaker) (Portland, OR — November 2002)
- ABCL, “Department of Justice, Press and the Defense Bar” (speaker) (Santa Barbara, CA — October 2002)
- The World Affairs Council, “Protecting the People: The Constitution and the War on Terror — A Conversation with Jim Brosnahan, Lead Attorney for John Walker Lindh” (speaker) (San Francisco, CA — September 2002)
- Human Rights Watch, “Middle East Discussion” (April 2002)
- “Emergency 911, September 11 and Its Impact on the Judicial System” (February 2002)
- Bar Association of San Francisco, “Building a Framework for Diversity in the Legal Profession” (speaker) (San Francisco, CA — January 2001)

Additional Memberships

Alliance For Justice, San Francisco Advisory Committee; American Bar Association Foundation, Fellow; American Board of Criminal Lawyers; American Board of Trial Advocates; American College of Trial Lawyers; American Constitution Society, Bay Area Lawyer Chapter Board of Advisors; American Law Institute, Life Member; Association of Defense Counsel of

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Northern California and Nevada; American Judicature Society (Director 1988-1989 and 1989-1990); Association of Business Trial Lawyers, Northern California; Bar Association of San Francisco (President 1977); California Attorneys for Criminal Justice (Director 1981-1983), life member; California Supreme Court Historical Society; Civil RICO Advisory Board; Lawyers Club of San Francisco; Equal Justice Society, Board Member; Fresno County Bar Association; Human Rights Watch; International Academy of Trial Lawyers; International Society of Barristers; Irish American Bar Association; Earl Warren American Inn of Court; Lawyers' Committee for Civil Rights of the San Francisco Bay Area; National Association of Criminal Defense Lawyers, Life Member; The National Trial Lawyers; United States Supreme Court Historical Society; and Witkin Legal Institute, Fellow and Advisory Board Member