

McManis **F**aulkner

James McManis

PARTNER



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Focus

Litigation, Family Law, Conflict Resolution, Criminal

A member of the trial bar for *over 50 years*, Jim has *unparalleled experience* and skill in *preparing* and *presenting cases* for adjudication – whether by jury, judge, arbitrator, mediator or the parties themselves.

He represents Silicon Valley companies with commercial, trade secret and intellectual property issues. Jim also represents individuals in a wide variety of matters, including civil rights actions, employment disputes, family law and criminal defense.

Credentials

ADMISSIONS

- State Bar of California
- U.S. District Court, Northern, Central, Southern, and Eastern Districts of California
- U.S. Ninth Circuit Court of Appeals, Federal Circuit, and D.C. Circuit
- U.S. Supreme Court

EDUCATION

- J.D., University of California, Berkeley School of Law
- B.A. in History, with Distinction, Phi Beta Kappa, Stanford University

LANGUAGES

- German

Experience

REPRESENTATIVE MATTERS

- Successfully petitioned for and retained rehearing en banc. The ruling from the panel of 11 Ninth Circuit judges overturned a three-panel decision of the Ninth Circuit, mandating that the firm's client should be awarded the vast majority of her attorney's fees.
- Obtained landmark California Supreme Court ruling which set statewide precedent for public records disclosure. The Supreme Court unanimously held that when public employees use personal accounts to communicate about the conduct of public business, those writings may be subject to disclosure under the California Public Records Act.
- Obtained the first-ever court order requiring the federal executive branch to remove a person wrongly included on a post-9/11 terrorist watchlist. The client was a Malaysian former Stanford Ph.D. student who was erroneously watchlisted and barred from returning to the United States. After eight years of litigation and a trial, our client's name was fully cleared.
- Achieved a six-figure verdict for an African-American investigator with the San Jose City Attorney's office in a civil rights action arising out of police misconduct against the plaintiff and his family.
- Obtained a verdict in excess of \$600,000 in an employment action against the City of San Jose arising out of the wrongful termination of the City's African-American fire chief.
- Defended Ringling Brothers and Barnum & Bailey animal trainer Mark Gebel (son of the legendary Gunter Gebel-Williams) on a charge of elephant abuse, resulting in an acquittal following a trial in which no defense evidence was presented.
- Represented a Silicon Valley executive on felony charges of molesting his children following a bitter divorce. The client was acquitted on all counts.
- Successfully defended at trial a will contest involving the estate of a Silicon Valley CEO and subsequently represented the plaintiff on appeal in a related case involving precedent-setting anti-SLAPP suit litigation.
- Obtained an \$86 million judgment for a Fortune 500 technology company in bitterly contested commercial litigation.

REPORTED CASES

- *Ibrahim v. U.S. Dep't of Homeland Security*, 912 F.3d 1147 (9th Cir. Jan. 2, 2019).
- *County of Santa Clara v. Super. Ct.* (Atlantic Richfield, et al) (2017).
- *People v. ConAgra Grocery Products Co.* (2017) 17 Cal.App.5th 51.
- *City of San Jose v. Superior Court (Smith)* (2017) 2 Cal.5th 608.
- *Ibrahim v. Department of Homeland Security* (N.D. Cal. 2014) 62 F.Supp.3d 909.
- *Ibrahim v. Department of Homeland Security* (9th Cir. 2012) 669 F.3d 983.
- *County of Santa Clara v. Superior Court* (Atlantic Richfield Co.) (2010) 50 Cal.4th 35,235

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P.3d 21,112 Cal. Rptr. 3d 697.

- *County of Santa Clara v. Superior Court* (2009) 171 C.A. 4th 119.
- *Ibrahim v. Department of Homeland Security* (9th Cir. 2008) 538 F.3d 1250.
- *County of Santa Clara v. Superior Court* (Atlantic Richfield Co.) (2008) 161 Cal.App.4th 1140.
- *County of Santa Clara v. Super. Ct.* (Atlantic Richfield, et al) (2006) 137 Cal.App.4th 292.
- *Kephart v. Genuity, Inc.* (2006) 136 Cal.App.4th 280.
- *Sutter's Place v. Superior Court* (2008) 161 Cal.App.4th 1370.
- *Jasmine Networks, Inc. v. Marvell Semiconductor, Inc.* (2008) 76 Cal.Rptr.3d 172.
- *State Board v. Superior Court* (2006) 138 Cal.App.4th 951.
- *Jasmine Networks v. Marvell* (2004) 117 Cal.App.4th 794.
- *Zhao v. Wong* (1996) 48 Cal.App.4th 1114.
- *Fenwick & West v. Superior Court of Santa Clara County* (1996) 43 Cal.App.4th 1272.
- *Estate of Wong* (1995) 40 Cal.App.4th 1198.
- *Stalberg v. Western Title Insurance Company* (1994) 27 Cal.App.4th 925.
- *Portman v. County of Santa Clara* (9th Cir.1993) 995 F.2d 898.
- *Wright v. City of Santa Clara* (1989) 213 Cal.App.3d 1503.
- *Lazzaro v. Larson; In re Romo* (1987) 190 Cal.App.3d 279.
- *People v. Pringle* (1984) 151 Cal.App.3d 854.
- *People v. Conner* (1983) 34 Cal.3d 141.
- *Filmamatic Corporation v. General Electric Company* (1980) 1980 – 1982 Trade Cas. (CCH) P63, 417.

Awards & Honors

AWARDS

- Trailblazers West, *The American Lawyer*, 2021
- Berkeley Law 2019 Citation Award
- The Best Lawyers in America® Lawyer of the Year, Criminal Defense, White Collar, 2020
- California Trailblazer Award, *The Recorder*, 2020
- Equality Trailblazer Award, *The National Law Journal*, 2019
- Elite Boutique Trailblazer, *The National Law Journal*, 2018 and 2020
- Litigation Trailblazer Award, *The National Law Journal*, 2018
- James Madison Freedom of Information Award, Northern California Society of Professional Journalists (SPJ NorCal), 2018
- *California Lawyer* Attorney of the Year (CLAY) Award (Civil Rights), 2017
- *The Daily Journal* Top 100 Lawyers in California, 2016, 2017, 2018
- The National Trial Lawyers Top 100 Trial Lawyers, 2015
- The Best Lawyers in America® for 27 consecutive years in the areas of Bet-the-Company

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Litigation; Commercial Litigation; Criminal Defense: White-Collar; Litigation - First Amendment; Litigation - Intellectual Property; and Litigation - Municipal.

- Member of award winning team “The Best in Family Law”, *The Recorder* (2010 – 2019)
- Asian Pacific Bar Association of Silicon Valley’s Beacon Award for Diversity, 2015
- Northern California Super Lawyers (2004 - 2022)
- Named one of Top 100 in Northern California Super Lawyers (2009–2018)
- Honored with the Pro Bono Project Silicon Valley’s Philanthropist of the Year Award, 2016
- National Asian Pacific American Bar Association (NAPABA) Pro Bono Award, 2015
- Received with his spouse, Sara, the Trustees Citation from the University of California, Berkeley Foundation for “outstanding achievement in a major fundraising program”
- Honored with the Philip J. Berelson Award for Generous Philanthropy
- Named to the President’s Blue Ribbon Commission on Diversity, Santa Clara County Bar Association, and accepted, on behalf of McManis Faulkner, the Bar’s Unsung Heroes Award

HONORS

- Honorary Bencher of the Honorable Society of King’s Inns, the oldest institution of legal education in Ireland
- Fellow, International Academy of Trial Lawyers (membership limited to top 500 trial lawyers in U.S.)
- Fellow, American College of Trial Lawyers
- Senior Fellow, Litigation Counsel of America
- Fellow, American Bar Foundation
- Fellow, Academy of Court-Appointed Neutrals
- Member, Academy of American Poets
- Lifetime Charter Member of Best Attorneys of America

Articles & Blogs

ARTICLES

- “Pandemic Impact on Law Practice” *Daily Journal*, 2022
- “What’s Next for Roe v Wade? The Mississippi attack” *Daily Journal*, 2021
- “CGCP Interview: James McManis” *Stanford-China Law Connect*, 2018
- Stare Decisis: Real Meaning and Implications for China, *Stanford Law School; China Guiding Cases Project*
- “Quarantine presents new complications for family lawyers” *Daily Journal*
- “Be True To Your School” *Daily Journal*
- “Goodwill Between US and China” *Daily Journal*

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BLOGS

A Memorable Case

The Timid Judge and The Clever Bailiff

Taking the Fifth Amendment In No Way Implies Guilt

The International Academy of Trial Lawyers China Program Builds Goodwill and Helps Shape Chinese Law

Speaking Engagements

- Featured Speaker, Everlaw Summit, San Francisco
- Guest speaker, SCCBA Barristers virtual happy hour
- Guest speaker, (SCCoLPA)
- Speaker, Litigation Counsel of America (LCA), Dividing the Dishes: High Asset Divorces and Low Places, 2018
- Speaker, Chinese Guiding Cases Program, Beijing China, *Preparing Chinese Government Attorneys for Global Legal Challenges: Impact of Case Law Training*, 2018
- Panelist, Santa Clara County Bar Association MCLE: Electronic Evidence: How to Get It, and What to Do with It, 2016
- Panelist, The U.S. Department of Commerce and Stanford Law School U.S.-China Legal Exchange, 2016
- Keynote Speaker, Stanford China Law & Policy Conference, The Communist Party of China (CPC), Savior of the Nation: The Rule of Law with Chinese Characteristics, 2015
- Panelist, The Role of “Precedents” and Guiding Cases in the Effective Application, Interpretation, and Implementation of Law: Comparative Experiences from China, Japan, and the United States”, The Law, Justice and Development Week at The World Bank, Washington D.C., 2015

Professional & Community Contributions

A frequent lecturer, Jim is passionate about the education of those in the legal profession. He has served on the faculty of the Intensive Advocacy Program of the University of San Francisco Law School, the Advocacy Skills Workshop at Stanford University Law School, and as a lecturer at Boalt Hall, University of California (Berkeley Law). As part of the Executive Committee of the International Academy of Trial Lawyers (IATL), Jim served as Secretary of International Relations. In addition, after serving as IATL’s China Program Vice-Chair, McManis chaired the China Program from 2010 through 2017. He was a keynote speaker at the Stanford University China Law and Policy Conference. In addition, Jim has taught at the California Center for Judicial Education and Research (CJER). He has also served on the Board of Trustees for the University of California Berkeley Foundation.

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Jim served as Special Master for the Santa Clara County Superior Court, the U.S. Bankruptcy Court, and the U.S. District Court for the Northern District of California in the Technical Equities cases, described as involving the largest securities fraud in California history. He also has served as a Judge Pro Tem for the Santa Clara County Superior Court and a Special Examiner for the State Bar of California. Jim also was a member of the California State Bar's Task Force on Admissions Regulation Reform.

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