



Wednesday, October 8, 2014

Intellectual Property

New ammo for Apple in patent trial

An ongoing \$94 million patent trial Hawaii-based patent asserter GPNE Corp. is pursuing against Apple Inc. may have a late plot twist, thanks to a recent ruling from the nation's patent appeals court.

Corporate

Allergan seeks to block Pershing Square from voting in buyout row

The Irvine-based drugmaker filed a motion for preliminary injunction asking a Santa Ana federal court judge to block the hedge fund from voting out board members in an upcoming shareholder meeting.

Litigation

Writ likely unnecessary to review order rejecting 'no poach' deal

A federal district judge's recent ruling rejecting a proposed class action settlement involving several well-known technology companies has garnered a good deal of media attention lately. By **Brad Pauley and Peder Batalden**

Twitter sues government to disclose more about data requests

Twitter Inc. sued the federal government Tuesday in San Francisco over its restrictions on allowing technology companies to disclose more information to the public about the government's data privacy requests.

California Courts of Appeal

Firm entitled to interest on attorney fees, appellate court rules

An Oakland firm is entitled to recover interest on attorney fees awarded in a lawsuit that it brought in Alameda County Superior Court, the 1st District Court of Appeal has ruled.

Law Practice

Solar company announces general counsel

Santa Monica-based solar technology company SolarReserve LLC announced Tuesday the appointment of its first vice president and general counsel.

Judges and Judiciary

Veteran Northern District judge stepping down

A mainstay of the Northern District bench, D. Lowell Jensen, will step down at the end of October after a storied career that included 28 years as a federal judge.

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Veteran Northern District judge stepping down

Senior Northern District Judge Lowell Jensen plans to step down later this month

By Hadley Robinson

A mainstay of the Northern District bench, D. Lowell Jensen, will step down at the end of October after a storied career that included 28 years as a federal judge, 26 years in the Alameda County district attorney's office and a five-year stint working in the U.S. Justice Department.

Though Jensen, 86, came to the court with a reputation as a tough prosecutor, fellow judges and lawyers from both sides of the table say he is known for his leadership, fairness and wisdom.

"He is known in the district as the best judge to try a case in front of because of his impartiality," said U.S. District Judge Charles R. Breyer. "He's kind, thoughtful, devoted to the law and not to any particular ideology."

Breyer sits in the seat vacated by Jensen when he took senior status in 1997. Though Jensen was an appointee of President Ronald Reagan, he opened his seat up while a Democrat, Bill Clinton, was in office.

Jensen was Alameda County's district attorney during the 1960s and '70s, decades of intense political and social unrest in the San Francisco Bay Area. He prosecuted draft dodgers, Black Panther leaders and more than 700 protesters who stormed a building on the UC Berkeley campus.

His work got the attention of Reagan, who brought him to Washington, D.C., in 1981. He worked as an assistant attorney general in the criminal division and later as deputy attorney general.

Reagan appointed Jensen to the federal bench in 1986.

"Judge Jensen has been a pillar of our court for as long as he has been with us," said Chief U.S. District Judge Claudia Wilken. "He has been a senior judge for many years, but still provided invaluable assistance to the court and the community, both in Oakland and later in San Jose, with patent cases and especially criminal cases."

San Francisco defense attorney Nanci L. Clarence of Clarence Dyer & Cohen LLP noted Jensen's leadership as head of the district's Criminal Justice Act Administration Committee in the 1990s. The district was coming under attack from Washington for high expenditures.

Clarence said she was impressed with Jensen's measured and deliberate approach, assuring officials in Washington he would take a hard look at the situation while ensuring the CJA funding was not gutted.

"He was applauded for his leadership in our district at a time when the defense bar felt it was under attack for CJA expenditures and the court was also being criticized," Clarence said. "We owe the continued vitality of the CJA program in this district to his leadership on that."

Clarence said as a longtime trial lawyer himself, Jensen seems to love trials.

"From a defense standpoint, he wouldn't punish you for taking a case to trial," she said. "The client didn't get a more severe sentence because you took a case to trial. That's something we should hold onto as an institution."

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Corporate

MGM hires GC for television division

NBCUniversal, GE alum Laura Black Dawson joined studio this week

Law Practice

Justice Department official heads to Pepsi

PepsiCo Inc. has named Associate Attorney General Tony West as the company's next general counsel. West is a former San Francisco prosecutor and Morrison & Foerster LLP litigation partner.

Criminal

Former bank vice president pleads guilty to producing false statements

A former vice president of a San Francisco-based bank pleaded guilty Tuesday to conspiring to produce false notes and statements before the institution received \$297 million in federal bailout funds.

Law Practice

Wilson Sonsini opens second Delaware office

William B. Chandler III, who joined the firm in 2011 after retiring from a chancellorship on the Delaware Court of Chancery, will move from Georgetown to the new office in Wilmington.

Obituaries

Richard J. Welch: 1952-2014

Richard J. Welch, co-chairman of Bingham McCutchen LLP's corporate practice, former managing partner of the firm's L.A. office, and counsel to many of the state's chief political leaders, died Monday.

Investments

Justices should recognize ERISA fiduciary's continuing duties

The U.S. Supreme Court recent granted certiorari in *Tibble v. Edison International* to answer an important ERISA question. By **Michelle L. Roberts**

Elder Law

Care facility 'bill of rights' may create wave of litigation

California has just enacted a far-reaching set of laws which grants many new statutory rights for patients in private residential care facilities for the elderly. By **Mark Hattam**

Environmental

Delayed ban of crocodile skin is a crock

On Sept. 29, California made an unfortunate move away from meaningfully protecting endangered and threatened species when Gov. Jerry Brown signed Assembly Bill 2075 into law. By **Jennifer Molidor**

Insurance

Excess insurer contract language amounts to free pass

Excess insurance is essential to businesses of medium or larger size because it provides

catastrophe coverage at much lesser rates per dollar of coverage than primary insurance. By **Kurt W. Melchior**

Military Law

We should welcome non-citizens to serve
Should non-citizens be permitted to serve in the U.S. armed forces? Recent news articles seem to suggest this is a controversial new topic. By **Geri Kahn**

Judicial Profile

S. James Otero

U.S. District Judge Central District of California

Government

Setback in borrower cases

Despite an unusual high-profile loss in a recent mortgage fraud case, U.S. Attorney Ben Wagner is pressing forward with his aggressive and controversial prosecution of over 100 borrowers accused of lying on home mortgage applications, with no plans to change how his office prosecutes such cases.