

Leonard J. Feldman

Experience

Leonard Feldman is a partner in the Litigation group. Mr. Feldman focuses his practice on appellate work and complex commercial litigation. His appellate practice encompasses all phases of civil and criminal appeals, including emergency motions, expedited appeals, case management, drafting and oral argument. His commercial litigation experience includes class actions, antitrust (litigation and counseling), intellectual property, construction law, securities litigation, environmental litigation and civil rights.

Mr. Feldman is currently a District Coordinator for the Ninth Circuit Pro Bono Program and is the Pro Bono Coordinator for Division One of the Washington Court of Appeals. He is also a lecturer and teaches a course on appellate practice at the University of Washington School of Law.

Previously, Mr. Feldman was an attorney (shareholder, 1999) at Heller Erhman LLP, 1992-2008. He served as the judicial clerk for Judge Jerome Farris at the U.S. Court of Appeals for the Ninth Circuit, 1991-1992.

Representative Work

- Sun Microsystems, Inc. v. Microsoft Corp. (D. Md.; 4th Cir.) Successfully
 represented Microsoft in defending claims under federal antitrust laws, California
 state unfair competition laws and copyright laws alleging monopolization,
 attempted monopolization, tying, unfair competition and copyright infringement.
- Helenius v. Chelius et al. (King County; Wash. Ct. App.) Successfully
 represented various director defendants in a lawsuit filed by sellers of stock of a
 closely held corporation alleging misrepresentation under the Washington State
 Securities Act (WSSA). The trial court declined to award damages and the court
 of appeals affirmed, holding that rescission (rather than damages) was the proper
 remedy under the WSSA.
- Heaphy v. State Farm Insurance Company (Pierce County; Wash. Ct. App.) Successfully represented State Farm Insurance companies in a purported
 nationwide class action by insureds who supposedly were not compensated under
 their underinsured motorist coverage for diminution of value after their cars
 were damaged.
- Western States Petroleum Association. v. U.S. Environmental Protection Agency
 (9th Cir.) Successfully represented Western States Petroleum Association
 challenging EPA's decision to reject a portion of Washington's operating permit
 plan that allows small emission units to be exempted from Title V permit
 applications and permit compliance requirements in Washington.



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Education

- Harvard Law School, J.D., 1991, magna cum laude
 Sears Award (top two students at Harvard Law School), 1988-1989, 1989-1990
- University of Washington, B.S., 1987, summa cum laude
 Undergraduate Merit Scholarship (top 25 students at University of Washington), 1983-1984, 1984-1985, 1986-1987

Admissions

- Washington
- U.S. Court of Appeals for the Ninth and Tenth Circuits
- U.S. Supreme Court



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• Sean G. Duffy v. Chase Riveland (W.D. Wash.; 9th Cir) - Appointed by the Ninth Circuit Court of Appeals to represent on a pro bono basis Sean Duffy, a deaf inmate alleging handicap discrimination and denial of due process rights. The Ninth Circuit reversed the district court's judgment in favor of defendants. The case settled on favorable terms after the District Court for the Western District of Washington granted summary judgment in favor of Mr. Duffy.

Professional Honors and Activities

- Immediate past president, King County Bar Association Appellate Practice Committee
- Named one of Washington's Top 10 Appellate Law Super Lawyers by Washington Law & Politics, 2009
- Recipient of Pro Bono Award from Washington State Bar Association, 2006
- Listed in "Top Business Lawyers in Washington," Washington CEO, 2008

Presentations

- "Effective Appellate Brief Writing," WSBA Breakfast at the Bar, 2009
- "Effective Appellate Brief Writing," KCBA Appellate Practice Section, 2009
- "Effective Appellate Brief Writing," Microsoft Legal and Corporate Affairs, 2009
- "Brief Writing and Oral Argument," KCBA Appellate Practice Institute/KCBA Appellate Law Section CLE, 2007
- "Effective Appellate Advocacy in Federal Court," CLE, Seattle, Washington, 1999
- "Third Annual Ninth Circuit Appellate Practice Institute," CLE, Seattle, Washington, 1996

Publications

- "Effective Oral Argument: Six Pitches, Five Do's, and Five Don'ts from One Judge and Two Lawyers," coauthor, 33 *Seattle University Law Review* 347, 2010
- "How to Write, Edit and Review Persuasive Briefs: Seven Guidelines from One Judge and Two Lawyers," coauthor, 31 *Seattle University Law Review* 417, 2008
- "The Clerks' Rules of Appellate Procedure," coauthor, 27 Appellate Practice Journal 20, 2008
- "A Guide to Appellate Motions on the Merits," coauthor, King County Bar Association Bar Bulletin, 2007
- "Mootness in the Class Action Context: Court-Created Exceptions to the 'Case or Controversy' Requirement of Article III,"
 coauthor, 26 Review of Litigation 77, 2007
- "Independent Ink at the Crossroads of Antitrust and Intellectual Property Law: The Court's Holding Regarding Market Power in Cases Involving Patents and Implications in Cases Involving Copyrights," coauthor, 30 Seattle University Law Review 407, 2007
- "Avoiding Liability for Securities Fraud: The Legal Significance of Integration (and Non-Reliance) Clauses Under State and Federal Law," coauthor, *Washington State Bar News*, 2006
- "Litigating in the New Class Action World: An Update on the Evolving Case Law Under the Class Action Fairness Act," coauthor, Analysis & Perspective, 2005
- "The Equitable Tolling Doctrine in First Party Insurance Coverage Matters: Analysis, Benefits and Illustrative Case Study," coauthor, *Tort Trial & Insurance Practice Law Journal*, 2005
- "The Interstate Compact: A Cooperative Solution to Complex Litigation in State Courts," 12 Review of Litigation 137, 1992

Civic Activities

Mentor and participant, Leukemia & Lymphoma Society Team in Training, Maui Marathon, Sep. 2003, London Marathon, Apr.
 2004