



Nanci E. Nishimura

Partner

San Francisco Bay Area

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Nanci E. Nishimura is a partner at Cotchett, Pitre & McCarthy, LLP, where she handles complex civil litigation focusing on antitrust and business litigation--including representing municipalities whose investments of public funds have been defrauded by unscrupulous financial institutions--and businesses, non-profits and individuals involved in commercial disputes, or defending those we believe have been wrongly sued. Nanci is responsible for litigation in state and federal courts across the country, including mediation, and community-based *pro bono* work. In 2019, she was named for the second time as one of the Top 100 Women Lawyers in California. Nishimura was named one of fifty Top Women Lawyers in California for 2020. This is the third time she has been honored as a leading woman lawyer in the State.

PROFESSIONAL COMMISSIONS AND COMMITTEES

Nanci serves on the **California Commission on Judicial Performance**, where in March 2018, she was the first woman non-judge to be elected as Chair, and completed her second term as chair in March 2020. She was first appointed to the 11-member commission in 2011 by then-Governor Jerry Brown. Among her responsibilities on the Commission, she chairs the Education Committee, an outreach program to teach how the Commission serves to protect the public from judicial misconduct.

In December 2019, Governor Gavin Newsom appointed Nanci to the California Uniform Law Commission, where she serves on the Supply Chain Transparency study committee to explore nationwide regulations on coercive labor practices in America, including human trafficking, forced labor, and modern slavery in manufacturing industries. She has served on U.S. Senator Barbara Boxer's Judicial Appointments

Office

San Francisco Airport Office
Center
840 Malcolm Road
Suite 200
Burlingame, CA 94010

Practice Areas

Commercial Litigation
Municipal & Public Entity
Litigation

Education

The Catholic University,
Columbus School of Law, J.D.
(1989)

University of Southern California,
M.A. (1978)

University of Southern California,
B.A. (1975)

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Committee for the Northern District of California, and the State Bar Judicial Nominees Evaluation Commission.

PROFESSIONAL ASSOCIATIONS

Nanci is a member of the San Mateo County Bar Association, Consumer Attorneys of California, Association of Trial Lawyers of California, Asian American Bar Association, and the American Bar Foundation. She is a Life Member, former Governor (District 3) and first Vice President of the California Women Lawyers, and past member of the Los Angeles County Bar Association and the LACBA Litigation Section Trial Practice Inn of Court.

VARIOUS CASES

Nanci's experience in civil and criminal appellate litigation includes First and Fourth Amendment and civil rights. She wrote the briefs on the merits and appeared before the United States Supreme Court in the precedent-setting privacy case *Hanlon v. Berger*, 526 U.S. 808 (1999), and co-authored, "An Invasion of Privacy: The Media's Involvement in Law Enforcement Activities," 18 Loy. L.A. Ent. L.J. 313 (1999). Published cases, among others, include *Berger v. CNN Inc.*, 188 F.3d 1155 (9th Cir. 1999); *Ayeni v. Mottola*, 35 F.3d 680 (2d Cir. 1994), cert. denied, 514 US 1062 (1995), aff'g *Ayeni v. CBS Inc.*, 848 F. Supp. 362 (E.D. N.Y. 1994); *Brunette v. Humane Society of Ventura County*, 294 F.3d 1205 (9th Cir. 2002); *Aquila, Inc. v. Superior Court*, 148 Cal. App. 4th 556 (2007); *Regents of University of California v. Superior Court*, 165 Cal. App. 4th 672 (2008); *In re LIBOR - Based Fin. Instruments Litigation*, 27 F. Supp. 3d 447 (S.D.N.Y., June 23, 2014); and *In re Ambac Bond Insurance Cases*, 2016 Cal. App. Unpub. LEXIS 1230 (Cal. App. 1st Dist., February 18, 2016).

COMMUNITY ACTIVITIES

For more than 20 years, Nanci has served on the Board of Trustees of the California Science Center Foundation, a state agency which promotes STEM education (science, technology, engineering and math), and is a board member of The MUSES of the **California Science Center Foundation** (past-president), which raises scholarship funds and hosts the annual State Science Fair. She is a Commissioner of the **Asian Art Museum of San Francisco** (appointed by then-Mayor Edwin Lee), and on the Board of Trustees of the **Asian Art Museum Foundation**, where she chairs the Education Committee (to promote education and integration of pan-Asian art and culture in California) and serves on the Ethics, Transformation Project, and Executive Committees. She Co-Chairs the **Leaders Forum**, a non-profit, non-partisan network of thought leaders and strategic partners in government and private industry modeled from the White House **Commission on Asian American Pacific Islanders**. She is active in **Fund Her**, to promote women in state legislatures, the **San Mateo Rotary Club**, and other community-based non-profits. She created **Storytime** with Argyle and Abby Rabbit, where children interact with live bunnies in costumes and learn

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to love reading, respect animals, and build self-esteem.

EDUCATION

Nanci received a Bachelor of Arts from the **University of Southern California**, and completed her undergraduate studies at **Waseda University** in Tokyo, Japan. She received a Master of Arts in International Relations from the **University of Southern California** and completed her graduate studies at the United Nations in Geneva, Switzerland. She received her J.D. from The Columbus School of Law at the **Catholic University** in Washington, D.C. While in the nation's capital, she worked at the Overseas Private Investment Corporation, the U.S. International Trade Commission, and served on the Senate Select Committee on Indian Affairs as a Legislative Aide to Senator Daniel Inouye of Hawaii.

Prior to law school, Nanci had a career in the United States and Japan as a business development and marketing consultant to major corporations, building products manufacturers, and urban developers and architects.

Honors & Recognitions

Top Women Lawyers in California, Daily Journal (2020)

Top 100 Women Litigators, Daily Journal (2010, 2019)

Top 50 Women Litigators in Northern California, Daily Journal (2009)

Super Lawyers, San Francisco Magazine (2006-present)

Community Involvement

California Science Center Foundation, **Board of Trustees** (2000-present)

The MUSES of the California Science Center Foundation, **Board of Directors**, past-President (1998-present)

Asian Art Museum Foundation, **Board of Trustees** (2011-present)

Asian Art Museum of San Francisco, **Commissioner** (2011-present)

Leaders Forum, Co-Chair, Advisory Board, and Member (2014-present)

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Fund Her, **Board of Directors** and Member (2018-present)

Rotary Club of San Mateo, Member (2008-present)

Affiliations

California Commission on Judicial Performance, **Chair** (2018-2019, 2019-2020); member (2011-2015, reappointed 2015-2019, 2020-2021)

California Uniform Laws Commission, **Member** (2020-2024)

California State Bar, Judicial Nominees Evaluation Commission, **Member** (2005-2008); *pro tem* (2009)

California Women Lawyers, Governor (2006-2012), **1st VP** (2011), **Life Member** (2006-present)

Consumer Attorneys of California (2002- present)

San Mateo County Bar Association (2002-present)

Association of Trial Lawyers of California

Association of Business Trial Lawyers (2004-present)

American Bar Foundation, Fellow (2006-present)

Asian American Bar Association

National Asian Pacific American Bar Association

Experience

LITIGATION EXAMPLES:

John's Grill v. Hartford Financial Services Group, et al.

San Francisco County Superior Court

Nanci is co-lead counsel representing the iconic San Francisco restaurant John's Grill, and other businesses, in a series of cases alleging bad faith refusal to provide insurance coverage for business interruptions caused by the COVID-19 pandemic and related Civil Authority shutdown orders.

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Wong v. Princess Cruises, et al.

USDC, Central District of California

Nanci is co-lead counsel representing plaintiffs who were passengers aboard the Grand Princess when their February 2020 San Francisco to Hawaii cruise was interrupted by a COVID-19 outbreak, and they were forced to quarantine onboard until they were transported to an isolated air force base. Plaintiff is still recovering from COVID-19, but her husband died. The complaint alleges defendants' negligently allowed the ship to sail knowing it was infected with the coronavirus by overlapping passengers and crew from the prior cruise and failed to decontaminate the ship.

In re: LIBOR-based Financial Instruments Antitrust Litigation

USDC, Southern District of New York; MDL Proceeding

Nanci leads a team representing more than a dozen California cities, counties, and public entities, including East Bay Municipal Utilities District, San Diego Association of Governments, San Diego County, San Mateo County, City of Richmond, and The UC Regents, against major financial institutions including Bank of America, Citigroup, JPMorgan and Deutsche Bank, alleging they manipulated the global benchmark interest rate known as the London Interbank Offered Rate, or LIBOR. CPM's individual cases are consolidated with dozens of nationwide class actions in New York.

Municipal Derivatives Antitrust Litigation

USDC, Southern District of New York; MDL Proceeding

Nanci was lead counsel for the team that recovered millions of dollars in settlements on behalf of more than 24 cities, counties, utilities, and educational institutions including the City of Los Angeles, Los Angeles World Airports, San Mateo County, East Bay Municipal Utility District, and The UC Regents against major banks and insurance companies, including Bank of America, Wells Fargo, and JPMorgan, alleging they rigged the bidding process for investing millions in municipal bond funds.

Ambac Bond Insurance Litigation

San Francisco County Superior Court

Nanci was lead counsel and recovered millions of dollars in settlements on behalf of 26 cities, counties, educational institutions and non-profits, including The UC Regents, City of San Jose, City of Riverside, and Sacramento Municipal Utility District against bond insurers and credit rating agencies, including Ambac, MBIA, and Standard & Poor's, alleging defendants conspired to suppress plaintiffs' credit ratings to compel them to purchase costly insurance to enhance the ratings of their bond issuances.

Miele v. Franklin Resources, Inc. et al.

USDC, Northern District of California

Nanci was co-lead counsel in the successful defense of one of the world's largest investment management firms and its former CEO, who allegedly failed to safeguard shares of Franklin stock purchased in 1973 to

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be held in trust for Plaintiff, and valued at almost \$200 million 40 years later when the lawsuit was filed. Challenging discovery revealed Plaintiff and his family obtained money from the sale of the stock in the 1990s, in support of summary judgment in favor of defendants, and affirmed on appeal.

Rubin v. Peters, et al.

San Mateo County Superior Court

Nanci was co-lead counsel representing the plaintiff in a lawsuit alleging legal malpractice and fraud in connection with a prenuptial agreement finagled by a tech entrepreneur for his wife prior to their marriage. The case settled on favorable terms after the court unsealed the complaint and denied defendants' demurrers to nearly all counts.

Johnson v. Lyft, Inc.

San Francisco County Superior Court

Nanci sued the Lyft ride-sharing platform whose driver is alleged to have sexually assaulted the plaintiff after she boarded his vehicle. The case challenged the forced arbitration clause in Lyft's online terms of service and whether sexual assault is subject to the forced arbitration clause.

Marie Hatch v. David Kantz

San Mateo County Superior Court

Nanci was co-lead counsel, and then lead counsel, *pro bono* representing a 97-year old woman who learned during the 2015 holidays that she was being evicted from her home of more than 60 years, despite an agreement she could live in the home until she died after caring for the original homeowner. Mrs. Hatch died on the day she was notified appraisers were to enter her home, and her son became the plaintiff. The case settled days before trial was set to begin in 2018.

News

CPM Partner Nanci Nishimura Selected by the *Daily Journal* as One of the Top Women Lawyers in 2020
11.04.2020

CPM Helps Couple to Sue Carnival Corporation and plc & Princess Cruise Lines for Allegedly Covering Up Coronavirus as Influenza
10.23.2020

Aided by CPM, the Historic Cliff House San Francisco Restaurant Sues Allianz Insurance and Affiliates
07.29.2020

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CPM Helps Family Sue Carnival and Princess Cruises for Intentionally Hiding Knowledge of COVID-19 Before the Cruise Ship Left Port
05.27.2020

Represented by CPM, Historic John's Grill Sues Hartford Insurance and Affiliates
04.15.2020

United States Supreme Court Denies Defendant Paint Companies Review of Lead Paint Poisoning Case (Plaintiffs Represented by CPM)
10.15.2018

Four CPM Partners Named Daily Journal's Top 100 Lawyers in California
09.19.2018

Commission on Judicial Performance Announces the Election of CPM Partner Nanci E. Nishimura as Chairperson
04.02.2018

CPM Client Lefty O'Doul's Files Lawsuit Against the Handlery Family for Trademark Violation
01.20.2017

In Elder Abuse Case, CPM Files Motion to Continue Action for 97 Year Old Lady Who Died Facing Eviction from Home Promised for Life
03.22.2016

Burlingame: Powerhouse law firm Cotchett, Pitre & McCarthy comes to aid of woman, 97, facing eviction
2016

CPM Partner Nanci Nishimura Selected by White House to Represent Top 50 Asian Americans at Conference on Education and Entrepreneurship of Asian American Businesses
05.11.2015

Gov. Jerry Brown Re-Appoints CPM Partner Nanci Nishimura to the CA Commission on Judicial Performance
03.10.2015

US Supreme Court Ruling Helps CPM Proceed with Antitrust LIBOR Manipulation Cases
02.13.2015

CPM Represents Monster Cable in Lawsuit Against Dr. Dre and Beats Electronics

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CPM's Litigation For Monster Against Dr. Dre and Beats Electronics Headed to Trial in Los Angeles

Governor Jerry Brown Reappoints CPM Partner Nishimura to California Commission on Judicial Performance

CPM Files Complaint for Libor Interest Rate Manipulation for Mendocino County
11.14.2013

School bonds are a Wall Street scam
San Francisco Chronicle, 09.16.2013

CPM Files Complaints for LIBOR Interest Rate Manipulation for UC Regents, City of Houston & Other Public Entities
06.2013

CPM Appointed Lead Counsel for Securities Derivative Action In HP-Autonomy Deal
2013

CPM Files Derivative Complaint on Behalf of HP Shareholder Against HP Board of Directors
12.19.2012

Speaking Engagements

Judicial Discipline and How it Relates to the Work of the JNE Commission, California State Bar JNE Commission, Commission on Judicial Performance
February 2012-2018, February 2020

You Be The Judge, California State Bar Association, Annual Convention, Commission of Judicial Performance
2014-2017

How It Works: Judicial Selection to Judicial Discipline, San Mateo County Bar Association Funky Credit Day
01.31.2020

Women Leadership In Law Forum, Women in Government
10.27.2019

Women Leadership In Law Forum, Women in the Courtroom
11.15.2018

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So You Want to Be A Judge? California Women Lawyers (CWL) Annual Conference
April 2012

Judicial Ethics, Asian Pacific American Bar Association (NAPABA)
July 2017

Judicial Careers, Asian Pacific American Bar Association (NAPABA)
July 2017

Role of the Commission on Judicial Performance, California Judges Association
October 2017

California State Bar JNE Commission - Judicial Discipline and How it Relates to the Work of the JNE
2012 - 2018

California Women Lawyers 2012 Annual Conference Silicon Valley
Palo Alto, CA, April 2012

Doing Justice and Finding Fulfillment in the Law
04.2011

Diversity, Rainmaking and Success in the Legal Profession
06.2010

Women Breaking Through in 2009: Capitalizing on Opportunities
10.2009

Developing Your Oral Argument Style
06.2009

Ethics: How to Keep Your Boss Out of Trouble
07.2008

Pathways to the Bench: Judicial Appointments - Making Our Voices Count
2008

Strategies for Class Action and Coordination Proceedings - Class Actions in Action
02.2008