



James L. McGinnis

Partner

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PRACTICE AREAS

- Antitrust and Trade Regulation
- White Collar Defense and Corporate Investigations
- Litigation

OVERVIEW

James McGinnis is a partner in the Antitrust and Trade Regulation Practice Group in the firm's San Francisco office. Mr. McGinnis was formerly an Assistant United States Attorney for the Eastern and Central Districts of California, serving in the Criminal Division from 1984-1988.

Areas of Practice

Mr. McGinnis specializes in complex litigation and white collar criminal matters with a focus on antitrust issues, often in the international arena. His complex litigation experience also includes parallel criminal/civil cases, class actions, securities and mass tort matters. In addition, Mr. McGinnis regularly conducts internal investigations and compliance reviews. He serves as U.S. national counsel directing the defense of criminal and civil litigation for leading international businesses in a wide variety of industries. Recognized by *Chambers & Partners* and *Best Lawyers in America*, Mr. McGinnis often has been selected by his peers and the courts as defense liaison counsel in complex multi-district class action litigation.

Mr. McGinnis is an accomplished trial lawyer and has extensive first chair jury trial experience in complex civil and criminal matters and major mass tort cases. In over 30 years of practice, Mr. McGinnis has tried nearly 40 cases, 22 of which were trials in state or federal court.

Mr. McGinnis has defended corporations and individuals in criminal cases and grand jury matters involving alleged price-fixing and other anti-competitive conduct, insider trading, government fraud and defense contracting fraud, and environmental violations, among other matters.

Mr. McGinnis is regularly quoted in the *National Law Journal* and other publications on antitrust and class action legal issues.

EDUCATION

- J.D., University of California, Berkeley, 1979
- B.A., Yale University, 1976

EXPERIENCE

Representative Cases

National counsel and defense liaison counsel for coordinated antitrust price-fixing class actions. *In re Cathode Ray Tube (CRT) Antitrust Litigation*, MDL No 1917.

National counsel and defense liaison counsel for coordinated antitrust price-fixing class actions. *In re TFT-LCD (FLAT PANEL) Antitrust Litigation*, MDL No 1827.

National counsel defending civil and criminal price-fixing charges in the memory chip market. *In re Dynamic Random Access Memory (DRAM) Antitrust Litigation*, MDL No. 1486 and over 50 cases brought in state courts nationwide.

Leader of a highly publicized internal review of a 20+ billion dollar insurance provider.

Lead trial counsel for unsecured creditors' committee, successfully defending four objecting insurers' challenges to a reorganization plan with \$985 million at stake. The reorganization plan was confirmed after a 4-week trial and the primary objecting insurer agreed to pay an additional \$1.15 billion after closing argument. *In re Western Asbestos Company*, (N.D. Cal. 2004) No.02-46284.

California counsel defending a leading amino acid manufacturer against price fixing charges in federal MDL proceedings and California state coordinated litigation brought by direct and indirect classes as well as opt-out plaintiffs. *In Re Methionine Antitrust Litigation*, MDL No. 1311 (N.D. Cal. 2000) (Cal. Jud. Council Coord. Proc. Nos. 4090 and 4096) (2000).

Lead counsel for a pharmaceutical-buying cooperative in California coordinated antitrust litigation challenging the distribution of prescription drugs. *In Re Brand Names Antitrust Litigation* (Jud. Council Coord. Proc., San Francisco, 1996).

Lead counsel for a national department store retailer, defended against charges of price fixing in women's cosmetics brought in coordinated California state court proceedings. *In Re Cosmetics Antitrust Litigation* (Jud. Council Coord. Proc. 1998).

Lead counsel defending a national department store company in federal and state court litigation brought by garment workers from the Island of Saipan. The putative class contained 50,000 members and sought to bring numerous charges based on alleged sweat shop conditions and improper labeling and advertising of garments. *Doss v. The Gap, et al.* (C.D. Cal. 1999 and (S.F. Superior 1999)).

Trial counsel defending the chief financial officer of Ramtek, a Silicon Valley computer monitor component manufacturer, against class action claims. Also defended this client against criminal charges and SEC enforcement proceedings. *In Re Ramtek Securities Litigation* (N.D. Cal. 1991) and *U.S. v. Adams* (N.D. Cal. 1994).

Lead counsel defending president and CEO of accounting software manufacturer in class action and SEC proceedings against charges of improper revenue recognition in software sales. *In Re Platinum Software Securities Litigation* (C.D. Cal. 1995).

HONORS

- Top Antitrust Lawyers, Chambers & Partners, 2009, 2010, 2011
- Named to the Irish Legal 100, published by the *Irish Voice Newspaper*, September 2010
- Northern California Super Lawyers, *San Francisco Magazine*, 2010, 2011
- Best Lawyers in America, 2006, 2007, 2008, 2009, 2010, 2011, 2012

- Marquis' Who's Who in America, 2008, 2009, 2010, 2011
- Marquis' Who's Who in American Law, 2008, 2009, 2010, 2011, 2012

MEMBERSHIPS

- Member, Antitrust, Litigation and Criminal Justice-White Collar Sections, American Bar Association
- Member, State Bar of California
- Member, Bar Association of San Francisco
- Member, Antitrust Section's Committee on Criminal Practice and Procedure, ABA

ARTICLES

- Antitrust Attorneys Grapple with Impact of 'Booker', July 18, 2005
- Roundtable White Collar Defense, September 10, 2004

SPEECHES

- Panel speaker on International Discovery, Mastering the Discovery Process for the General Counsel Conference, New York, NY, November 3-4, 2008
- Panel speaker at PLI's Annual Antitrust Institute, 2008
- Mr. McGinnis is a regular speaker and contributor to bar programs in the antitrust and white collar fields.