



## → James L. McGinnis

### Special Counsel

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James McGinnis is a member of the Antitrust and Competition Practice Group in the firm's San Francisco office. James 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

James 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, mass tort matters, and managing the national defense of 100's of product liability cases. In addition, James 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*, James often has been selected by his peers and the courts as defense liaison counsel in complex multi-district class action litigation.

James is an accomplished trial lawyer and has extensive first chair jury trial experience in complex civil and criminal matters and major mass tort cases. He has been selected to be lead trial counsel in four major cases for Samsung Electronics Corporation or Samsung SDI. In over 35 years of practice, James has tried 40 cases, 22 of which were trials in state or federal court. *Chambers USA 2015* noted that "peers praise his abilities as a trial lawyer, highlighting that he is 'very good at handling complex antitrust issues in a courtroom.'" *Chambers USA 2016* described him as "a superb lawyer in terms of class action defense," and noted that he is "a terrific strategist with great litigation judgment." He was described by a client in *Chambers 2018* as "a terrific advocate," recognized for his mastery of government investigations, especially in relation to antitrust statute violations in both civil and criminal litigation.

James 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.

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

## Honors

Best Lawyer in America, *Best Lawyers*, 2006-2023

Northern California Super Lawyer, *Super Lawyers*, 2010-2021

Acritas Star Lawyer, 2017-2018

Antitrust, *Legal 500*, 2015-2019

Top Antitrust Lawyers, *Chambers USA*, 2009-2019

## Experience

### Representative Cases

Successfully argued defendants' opposition to direct purchasers' motion for class certification. *In re Lithium Ion Batteries Antitrust Litigation* (N.D. Cal)

Lead counsel for Samsung SDI America in a class action alleging defects in the batteries for the Note 7 Smartphone. *George Schmidt et al vs. Samsung Electronics America, Samsung Electronics Co. and Samsung SDI America* (W.D. Wa). Case successfully defended by virtue of successful motion to compel arbitration and dismiss class claims.

Secured dismissal of multi-billion dollar TFT-LCD price-fixing claims based on overseas purchases. *Motorola Mobility vs. Samsung SDI*.

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).

## Articles

- Lessons For Gov't Contractors Amid Increased Antitrust Risk  
*Law360*, 05.18.2022
- Territorial Considerations: the US Perspective  
*GCR's Insight Private Litigation Guide*, 01.2020
- Eyes Across the Atlantic: Coordination and Management of Global Private Antitrust Litigation  
*ABA Section of Antitrust Law*, 05.08.2017
- The Rapidly Changing Landscape of Private Global Antitrust Litigation: Increasingly Serious Implications for U.S. Practitioners  
*Competition (Calif. State Bar Antitrust Section publication)*, Fall 2016
- A Matter of Class: A look at the collective action regimes in the UK and US  
*Competition Law Insight*, 12.08.2015
- "AUO In the Dock: Watershed Event, Business as Usual, or Both? A Roundtable," *Competition: The Journal of the Antitrust and Unfair Competition Law Section of the State Bar of California*, Vol. 22, No. 1; Spring 2013
- Antitrust Attorneys Grapple with Impact of 'Booker', July 18, 2005
- Roundtable White Collar Defense, September 10, 2004

## Antitrust Law Blog Posts

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"Navigating Dangerous Shoals: The Murky but Critical Territorial Boundaries of U.S. Antitrust Jurisdiction," January 22, 2020

- "Principal Deputy Assistant Attorney General Finch: Compliance Re-Evaluation?," June 6, 2018
- "Senior Executive Type B Amnesty Redux – A Rare Correction From DOJ (Or Not?)," March 5, 2018
- "Eyes Across the Atlantic: Coordination and Management of Global Private Antitrust Litigation," May 23, 2017
- "Frequently Asked Questions About the Amnesty Program—Major Changes in the Antitrust Division's January 2017 Update," January 25, 2017
- "Evolving Private Remedies for Competition Infringements in Europe: Class Actions in the U.K.," October 19, 2015
- "'Individual Accountability for Corporate Wrongdoing': A Sea Change Or Not?" September 15, 2015
- "FTC "Enforcement Principles" for Section 5 of the FTC Act: Is Something Better than Nothing?" August 19, 2015
- "Latest LCD Criminal Conviction – Stephen Leung Of AUO Convicted On Retrial," December 20, 2012
- "DOJ Wins AUO Convictions in LCD Price-Fixing Trial, Successfully Defending Its Cartel Program," March 16, 2012

## Speaking Engagements

Moderator, Global Private Litigation Conference, "Panel V: Consolidating Proceedings," ABA Section of Antitrust Law, May 8, 2017

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.

## Events

Global Private Litigation Conference  
ABA Section of Antitrust Law  
Amsterdam, May 7-8, 2017

## 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

## Podcasts & Webinars

Nota Bene Episode 29: The Essential Elements of Effective Corporate Compliance Programs with Jim McGinnis  
03.27.2019

## Practices

Antitrust and Competition  
International Reach  
International Arbitration  
International Trade and Investment  
Korea  
Litigation  
Toxic Tort and Product Liability  
White Collar Defense and Corporate Investigations  
Antitrust Counseling and Compliance  
California Antitrust and Unfair Competition Law  
Consumer Protection  
Criminal Antitrust and Cartel Investigations  
Government Merger and Civil Conduct Investigations  
Intellectual Property / Antitrust  
International Arbitration  
International Counseling  
Private Civil Antitrust Litigation

## Education

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

## Admissions

California