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Attorneys at Law

Robert J. Nelson

PARTNER

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Holding Corporations Accountable

“Robert J. Nelson has played a leading role in the firm’s False Claims Act (fraud against the government law), automotive, , defective products, mass torts, tobacco, consumer fraud and environmental cases, taking on many of the world’s largest corporations and holding them accountable. He has served as court-appointed Lead or Co-Lead Counsel in numerous state and federal coordinated proceedings, as well as in close to 40 class actions.

Robert likes to say that he specializes in fraud cases, whether by oil companies, tobacco companies, pharmaceutical companies, or insurance companies. He also has led some of the most innovative cases that the firm has pioneered. For example, he recently concluded a RICO case against State Farm, in which the plaintiff class alleged that State Farm secretly helped finance the judicial campaign of an Illinois Supreme Court justice, then lied about doing so, all at the very same time that State Farm had a case pending before the Illinois Supreme Court in which State Farm had suffered a billion dollar judgment against it. The justice was elected to the Illinois Supreme Court and then voted to overrule that billion dollar judgment.

When granting final approval to the \$250 million class action settlement that challenged State Farm’s misconduct, the federal district court judge stated: “So I agree on all points with Mr. Nelson about the analysis under 23(e)(2), and would note that his statements and description of this litigation are consistent with the Court’s findings, that in his statement to the Court he did not engage in embellishment or hyperbole but simply stated the facts as they are in this litigation. So I agree entirely with Mr. Nelson’s rationale and argument in this case. He’s advocating but he really wasn’t embellishing in any way to support that advocacy, so I think he’s spot-on with respect to his analysis of this litigation.”

That kind of credibility has been a hallmark of Robert’s long career before both judges and juries. For his work on the State Farm case, Robert was awarded Public Justice’s 2019 Trial Lawyer of the Year Award.

In addition to winning that prestigious award, he has also twice received a California Lawyer

of the Year (CLAY) award from California Lawyer Magazine. In 2021, he was named a Legal Trailblazer in the field of environmental law by the National Law Journal. In 2020, he was named by the Daily Journal to be one of the top 100 lawyers in the State of California. He has been named a Northern California “Super Lawyer” every year since 2004, and is also on Law Dragon’s list of top 500 lawyers in the United States. Robert has also been nominated no less than four times to be Consumer Attorney of the Year by the Consumer Attorneys of California.

Robert currently is lead counsel in two class actions pending against Plains All-American Pipeline, arising out of the environmental disaster Plains caused when its pipeline ruptured, causing oil to flow into the Pacific Ocean, soiling beachfront properties and harming fishers. He is also active in an action pending against Southern California Gas, involving the blowout of an underground storage well that spewed methane gas across the town of Porter Ranch California for several months, ranking as one of the worst environmental disasters in history due to its impact on global climate change.

Robert successfully negotiated a \$100 million settlement against the tobacco companies arising out of the so-called Engle litigation in Florida, the first time the tobacco companies settled individual smoker cases on a group basis. The firm also had several trial verdicts in individual smoker cases amounting to an additional \$100 million that put sufficient pressure on the Tobacco companies to settle the remaining cases. This more recent effort against the tobacco companies followed Robert’s prior work against them on behalf of many states and cities and counties, which resulted in a settlement valued at \$246 billion, which was then and remains the largest legal settlement ever.

Robert chairs Lief Cabraser’s False Claims Act practice group and has spearheaded whistleblower suits that have resulted in settlements totaling over \$320 million and changed industry practices.

Robert and co-counsel represented California consumers in a class action lawsuit against BP Solar International and Home Depot U.S.A. charging the companies sold solar panels with defective junction boxes that were substantially certain to fail within their warranted lives due to an inherent defect in the junction box, with attendant fire risks. In 2017, final approval was granted to a \$67 million settlement of the action that not only provided settlement class members with high failure rate models with complete replacements and others with failed panel replacements, but also helps eliminate any fire danger from the panels.

Robert represented the relator and the City of Los Angeles along with the County of Santa Clara, Stockton Unified School District, and 16 additional California cities, counties, and school districts in a false discount pricing qui tam lawsuit against Office Depot that accused the office supply giant of repeatedly breaking its promises under a nationwide supply contract to give its California governmental customers the lowest price it was offering other governmental customers, along with other pricing misconduct. The suit led to a 2015 settlement of \$77.5 million under the California False Claims Act.

In 2013, Robert served as lead trial counsel in litigation against Sutter Health, one of California’s largest healthcare providers, for false billing of anesthesia services. Working with the California Insurance Commissioner, the case settled for \$46 million, a record amount under California’s

Insurance Frauds Prevention Act.

In 2010, Robert accomplished the extremely rare feat of receiving a second California Lawyer of the Year (CLAY) award from California Lawyer magazine, recognized for his work as lead trial counsel in obtaining a \$78.5 million whistleblower settlement against the University of Phoenix. The settlement is believed to be among the largest ever achieved under the False Claims Act in a case in which the U.S. Department of Justice did not intervene.

His first CLAY award was based on his work as lead trial counsel in a wrongful death action involving a defect in Chrysler vehicles that resulted in a punitive damage verdict of \$50 million against the company. The victory against Chrysler was “one of the year’s largest personal injury verdicts,” California Lawyer noted, and “was the first park-to-reverse case against Chrysler in 25 years to make it to trial.”

Robert also served as a lead counsel in six class actions that netted more than \$80 million for homeowners who had defective ABS plumbing pipe installed in their homes.

Much of Robert’s current caseload involves working closely with government officials throughout the country, investigating cases in which federal and state governments are being defrauded. These cases often involve Medicare and Medicaid fraud, but the investigations extend into literally all areas in which the government plays a role. Robert currently has fraud on the government cases filed under seal in the Northern District of California, the Central District of California, the Eastern District of California, the Middle District of Tennessee, and the Southern District of New York. Robert is also active in cases against utility companies relating to the California wildfires. For example, he currently is Co-Lead counsel in the Thomas Fire and Montecito mudslide cases pending in Los Angeles County.

Robert is a frequent lecturer on class action practice, as well as subject areas such as product liability law and False Claims Act cases. Before joining Lief Cabraser in 1994, Robert was an Assistant Federal Public Defender for the Northern District of California for five years, where he tried numerous cases. Prior to that and immediately following law school, Robert served as a judicial clerk for Judge Stephen Reinhardt of the U.S. Court of Appeals for the Ninth Circuit. Robert maintained a close relationship with Judge Reinhardt, who died in 2018 after serving 38 years on the United States Court of Appeals.

Robert has tried to maintain a steady docket of pro bono cases over the years, including the representation of Yutico Briley, a young African American teenager who was wrongly convicted of armed robbery, and sentenced to 60 years in prison without the possibility of parole. Robert and his co-counsel, University of San Francisco Law School Professor Lara Bazelon, were able to get his conviction and sentence overturned, and secured his release from a Louisiana prison in April of 2021. This extraordinary case was profiled in The New York Times Magazine.

Areas of Practice

False Claims Act, Personal Injury and Mass Torts, Defective Products, Environmental Litigation, Aviation Accidents

Education

New York University School of Law, New York, New York

J.D. - 1987

Honors: Order of the Coif

Honors: Root-Tilden Scholarship Program

Law Review: New York University Law Review, Articles Editor

Cornell University, Ithaca, New York

A.B. (*cum laude*) - 1982

Honors: College Scholar Honors Program

London School of Economics, Central London, England

General Course - 1981

Honors: Graded First

Bar Admissions

California, 1987

District of Columbia, 1999

U.S. Court of Appeals 6th Circuit, 1998

U.S. Court of Appeals 7th Circuit, 2016

U.S. Court of Appeals 9th Circuit, 1995

U.S. District Court Central District of California, 1988

U.S. District Court Eastern District of California, 2006

U.S. District Court Northern District of California, 1988

U.S. District Court Northern District of Ohio

U.S. District Court Southern District of Ohio

U.S. District Court Middle District of Tennessee

Professional Associations and Memberships

American Association for Justice

American Bar Association

American Civil Liberties Union of Northern California

Bar Association of San Francisco

Bar of the District of Columbia

Consumer Attorneys of California

Fight for Justice Campaign

Human Rights Watch California Committee North

RE-volv, Board Member

San Francisco Trial Lawyers Association

State Bar of California

Published Works

False Claims Roundtable, California Lawyer, June 2010, June 2011, April 2012, January 2013, August 2014

Product Liability Roundtable, California Lawyer, December 2007, July 2009, June 2010

Co-Author, "Class Action Treatment of Punitive Damages Issues after Philip Morris v. Williams: We Can Get There From Here," 2 Charleston Law Review 2, 2008
Contributing Author, California Class Actions Practice and Procedures (Elizabeth J. Cabraser editor in chief, 2003)
"The Importance of Privilege Logs," The Practical Litigator, ALI-ABA Publication, Vol. II, No. 2, March 2000
"To Infer or Not to Infer a Discriminatory Purpose: Rethinking Equal Protection Doctrine," 61 New York University Law Review 334, 1986

Honors and Awards

Selected for inclusion by peers in The Best Lawyers in America in fields of "Personal Injury Litigation – Plaintiffs" and "Product Liability Litigation – Plaintiffs," 2012-2022
"Lawdragon 500 Leading Lawyers in America," Lawdragon, 2020-2022
"Lawdragon 500 Leading Plaintiff Consumer Lawyers in America," Lawdragon, 2021, 2022
"Lawdragon 500 Leading Plaintiff Financial Lawyers in America," Lawdragon, 2020, 2021
"Energy/Environmental Law Trailblazer," National Law Journal, 2021
"Super Lawyer for Northern California," Super Lawyers, 2004-2021
"Top 100 Lawyers in California," Daily Journal, 2020
"2019 Trial Lawyer of the Year," Public Justice
"Trial Lawyer Excellence Award," Law Bulletin, 2019
"California Litigation Star," Benchmark Litigation, 2013-2016
"Consumer Attorney of the Year Finalist," Consumer Attorneys of California, 2007, 2010, 2014-2015
Legal 500 recommended lawyer, 2013-Present
"Lawdragon Finalist," Lawdragon, 2009-2011
"California Lawyer Attorney of the Year (CLAY) Award," California Lawyer, 2008, 2010
"San Francisco Trial Lawyer of the Year Finalist," San Francisco Trial Lawyers' Association, 2007