



Robert Charles Ward

PARTNER

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AREAS OF EXPERTISE

Litigation, Real Estate, Fiduciary Duty/Shareholder & Partnership Disputes, Intellectual Property, Employment, Trusts and Estates

Overview

Mr. Ward is a litigation partner with substantial arbitration and trial experience who relies on that experience to deliver practical advice and cost-effective lawyering. His litigation practice is largely oriented toward the real estate and investment management industries. Mr. Ward's real estate work includes landlord-tenant disputes, disputes over purchase and sale contracts, partnership dissolutions, broker disputes, construction disputes, secured transactions, and breach of fiduciary duty and corporate governance claims. In the investment management area, he handles partnership disputes, investor claims, employment claims, and other problems arising for investment management companies. Mr. Ward also handles several types of disputes faced by growing businesses, such as conflicts among partners or shareholders, trade secret disputes, wrongful termination claims and disputes arising out of mergers and acquisitions. Another facet of his practice is a focus on "business divorces" — helping clients unwind themselves from companies or investments. Mr. Ward uses his litigation experience and expertise to resolve disputes, if possible, without the expense of litigation or by handling litigation to achieve client goals efficiently. He also recognizes that litigation requires flexibility because every case has its own unique facts and client motivations. When disputes cannot be resolved quickly and efficiently, Mr. Ward enjoys taking cases to trial or arbitration and aggressively seeking good results for his clients. His clients include real estate investment and management companies, developers, lawyers, investment management companies, manufacturers and distributors, municipalities, and financial institutions.

Experience

- *RHA Properties v. Menlo Capital Group*. Lead trial counsel for plaintiff municipal joint powers authority in dispute over sale of residential project involving issues relating to escrow holdback and claimed seller nondisclosures.
- *Kenwood Investments No. 2, LLC v. Federated Indians of Graton Rancheria*. Part of a trial team that successfully defended Indian tribe in contract dispute decided by JAMS panel of three arbitrators.
- *JY Industries v. Liu*, Alameda Superior Court. Lead trial counsel for plaintiff and cross-defendants in complicated case involving claims of conversion, breach of trust, breach of partnership agreement, and wrongful termination, among others. \$23+ million jury verdict and judgment, collected in full.
- *Elijah v. RS Investments*, JAMS Arbitration and San Francisco Superior Court. Lead trial counsel for investment management company and mutual fund company and its board of trustees in multiple venue series of disputes arising out of a subadvisor relationship for a mutual fund. Successful defense of \$70+ million claim in arbitration as well as successful settlement midway through jury trial in SF Superior.
- *Shocking Technologies, Inc. v. Michael*, Delaware Court of Chancery. Defended investor and director against breach of fiduciary duty claims.
- *Plunkett v. Access Luxury Partners, LLC, et al.*, Alameda Superior Court and JAMS arbitration. Defended a real estate developer against breach of fiduciary duty, breach of contract, and other claims by investor.

- Won JAMS arbitration on behalf of investor in real estate LLC to enforce distribution provisions in operating agreement.
- *Dereschuk v. Dereschuk*, Contra Costa Superior Court. Represented a spouse in a marital dissolution, handling the phase of the trial which decided the eight-figure valuation of an investment management business.
- Won JAMS arbitration on behalf of entrepreneurs against former employer seeking to undermine their new business.
- *Heinrichs v. Vicor Founders, LLC*, San Mateo Superior Court. Represented investor in dispute over distribution of excessive reserves held after liquidity event.
- *Kam Hing v. Walmart, et al.*, United States District Court, Southern District of New York. Represented distributor in copyright case.
- Won JAMS arbitration, defending seller of commercial real estate against nondisclosure claim.
- *Penna v. Ergur*, San Mateo Superior Court. Defended borrower against claim by lender that was barred by California anti-deficiency statutes.

Publications/Speaking

Faculty for Practicing Law Institute's 19th Annual Commercial Real Estate Institute, "Real Estate Litigation: A Toolkit For Transactional Lawyers." November 8-9, 2018, San Francisco

"The Spirits Will Leave: Preventing the Desecration and Destruction of Native American Sacred Sites on Federal Land," 19 *Ecology Law Quarterly* 795 (1993), which won the 1992 Ellis J. Harmon Environmental Writing prize.

11.16.18 / Media

National Exclusive: Former Sen. Barbara Boxer's Son and California Powerbroker Found Bilking Indian Tribe

8.15.18 / Press Releases

12 Shartsis Friese Lawyers Recognized by "Best Lawyers" for 2019 – John Broadhurst is Lawyer of the Year for Hedge Funds

7.21.15 / Articles

Breaking Up Is Hard to Do: A Primer on "Business Divorce" Litigation for Transactional Lawyers

Professional Activities

Mr. Ward's professional affiliations include the American Bar Association and the Association of Business Trial Lawyers. Mr. Ward remains active in Little League as an umpire and is former Umpire In Chief, board member, and coach for San Ramon Valley Little League. Mr. Ward is a member of the SRVLL Hall of Fame. Mr. Ward is also the Tournament Director of the Downtown Golf Club.

Education

University of California, Berkeley
B.A. in History, Phi Beta Kappa

University of California – Berkeley, School of Law
J.D., 1992
Articles Editor of *Ecology Law Quarterly*

United States Army
Field artillery officer, 1985-1989

Admissions

California State Bar

Accolades

AV Preeminent certified by Martindale-Hubbell peer review rating system