

## Arthur J. Shartsis

TITLE SENIOR COUNSEL

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Arthur J. Shartsis is widely recognized as one of the preeminent litigation attorneys in the United States, celebrated for his integrity, strategic acumen, and unwavering commitment to his clients.

As a founding partner and senior counsel of Shartsis Frieze LLP, Art Shartsis has built a career spanning more than five decades, marked by landmark cases, significant contributions to legal scholarship, and a dedication to mentorship within the legal profession.

Art's legacy is characterized by integrity, innovation, and a relentless pursuit of justice. As a founder of one of California's leading law firms and a mentor to countless attorneys, he has left an indelible mark on the legal community. His commitment to his clients, colleagues, and the broader public exemplifies the highest ideals of the legal profession.

In 1975, at a time when large law firms dominated the legal landscape, Art, in partnership with Bob Frieze, established Shartsis Frieze LLP. The firm was founded on principles of excellence, independence, and client-centered representation, with an emphasis on serving clients with the sophistication of a large firm, but the personal touch and flexibility of a boutique practice. These principles continue to guide the firm today. Art's influence is evident in the generations of lawyers he has trained and inspired, and in the lives of the clients and communities he has served.

### AREAS OF EXPERTISE

[Litigation](#)

[Antitrust](#)

[Intellectual Property  
Disputes](#)

[Securities Enforcement  
Defense](#)

[Fiduciary Duty, Shareholder  
& Partnership Disputes](#)

[Trust & Estate Disputes](#)

[Construction Disputes](#)

### EDUCATION

University of California –  
Berkeley, School of Law; J.D.,  
1971

Oxford University, 1968

University of California,  
Berkeley; A.B., *with honors*,  
1967 (Valedictorian)

### BAR ADMISSIONS

California

All California State Courts

California Supreme Court

U.S. District Court for the  
Northern, Eastern and  
Central Districts of  
California

U.S. District Court for the

Under Art's leadership, the firm quickly gained a reputation for handling complex business litigation, securities, real estate, and corporate matters. Shartsis Frieze became known for its tenacity, ethical standards, and the ability to resolve high-stakes disputes efficiently and effectively. Art's vision was to create a law firm where every attorney is invested in the client's success and where teamwork is paramount.

Art's legal experience covers a wide range of legal disciplines, with a particular focus on business litigation. He has represented corporations, partnerships, and individuals in diverse litigation matters, including contract disputes, fiduciary duty claims, and intellectual property issues. His strategic approach and analytical precision have earned him the trust of Fortune 500 companies, mid-size public and private corporations, and individuals.

Throughout his career, Art has been at the forefront of numerous high-profile and complex cases. He has successfully litigated multimillion-dollar disputes, secured injunctions in bet-the-company cases, and represented clients in precedent-setting appellate matters. His courtroom presence, combined with meticulous preparation, has resulted in a track record of remarkable results. He has appeared in both federal and state appellate courts, including the California Supreme Court. Art has litigated a number of cases involving claims for more than one billion dollars. He has also represented major law firms, federal and state court judges, several California Constitutional Officers (including the Governor), and the States of California and Hawaii.

With an influence that extends well beyond Shartsis Frieze, Art has served as an officer and board member for various professional and civic organizations. In addition, Art is deeply committed to elevating the legal profession and regularly mentors young attorneys.

## Experience

### In Re Apple Inc. E-Book Derivative Litigation

Retained to represent the Special Litigation Committee of the Apple Board of Directors in connection with derivative litigation arising out of the eBooks antitrust litigation.

### Pharmaceutical Research and Manufacturers of America,

Southern District of New York

Ninth Circuit Court of Appeals

United States Supreme Court

### ACCOLADES

Recognized in *Best Lawyers in America*®, 1991 – present

Los Angeles and San Francisco *Daily Journal*, American Bar Association Convention Edition, one of the top 14 litigators in California, 2003

Recognized in *Super Lawyers*®, 2004–2022

"Distinguished Jurisprudence Award," Anti-Defamation League, 2004

American Jewish Committee, Learned Hand Award, 2013

Citation Award, Berkeley Law School's highest alumni honor, 2020

### et al. v. County of Alameda

Successfully defended Alameda County in a landmark case brought by the pharmaceutical industry (with the support of the U.S. Chamber of Commerce) challenging a first-in-the-nation regulation requiring drug companies to provide for disposal of all unused prescription drugs sold in the county. The case was won in federal district court and upheld on appeal by the Ninth Circuit; following briefing by both sides, the United States Supreme Court declined to grant review.

### GSI Technology, Inc. v. Cypress Semiconductor Corporation

Represented GSI in a Sherman Act Section 1 restraint of trade claim arising out of the exclusion of GSI from a consortium of SRAM manufacturers. The case was settled following GSI's defeat of Cypress' comprehensive motion for summary judgment.

### Steven Poizner, as Insurance Commissioner of the State of California, etc. v. ALTUS Finance S.A., et al.

Retained by the California Department of Insurance to serve as lead trial counsel in the federal jury trial of a fraud claim arising out of the failure of the Executive Life Insurance Company. The case settled with payment to the Department of Insurance of \$200 million.

### Alejandro Madrid v. James E. Tilton

Represented Governor Arnold Schwarzenegger in a federal court proceeding in which a court-appointed special master sought authority to conduct a public investigation of the Governor's Office in connection with prison reform matters. The Governor's two most senior staff members were alleged by the special master to have committed perjury. Art successfully opposed the proposed investigation.

### Mikhail Khodorkovsky Accusation by the Russian Federation

Retained to assist in the defense of Mikhail Khodorkovsky, former owner of Yukos Oil Company in Russia, involving criminal claims by the Russian Federation for allegedly embezzling \$30 billion from Yukos.

## Rabobank v. National Westminster Bank

Concluded a seven-year defense of NatWest (formerly National Westminster Bank and now owned by Royal Bank of Scotland) in a claim by a major Dutch bank for approximately \$200 million, involving litigation both in England and California. The case was defended successfully at trial in England, with full “indemnity” fees of approximately \$25 million awarded to our client after trial.

## Charles Davis, et al. v. California Health And Human Services Agency, et al.

Retained to assist the Attorney General’s Office of California defending California State health and welfare agencies in a federal case challenging the long-term health care system of the State of California, with multibillion-dollar annual exposure. The case was resolved on favorable terms.

## Eureka Federal v. Kidwell

Retained to replace Joseph Alioto as lead defense trial counsel in this \$500 million claim arising out of the savings and loan crisis. The matter was settled for \$13 million less than the defendants’ pre-trial settlement offer after six weeks of jury trial in a case that the federal government had publicly asserted it would never settle.

## In re National Mortgage Equity Corporation Securities Litigation, MDL 647

Served as lead plaintiffs’ counsel in obtaining approximately \$120 million of recovery from parties including the Bank of America and Wells Fargo Bank on behalf of a number of savings and loans in what at the time was one of the largest mortgage-backed securities frauds in American history. This case was featured as a cover story in the *American Lawyer*.

## Hummel v. Bank of America

Retained by the Bank of America after other counsel failed in eight years to resolve complicated trust litigation involving more than \$90 million. Art settled the matter within months for a small fraction of the claim.

## HBOC/McKesson

Retained by Arthur Andersen to represent one of its senior auditors in SEC proceedings arising from one of the largest securities-fraud claims

in history, involving an \$8 billion loss of capital value, successfully representing the client through SEC proceedings.

### Fair v. Bakhtiari

Successfully argued in the California Supreme Court a major case upholding important aspects of confidential communications in mediation. The Supreme Court ruled 7-0 to overturn a unanimous decision in the California Court of Appeal and return the case to the trial court. *Fair v. Bakhtiari*, 40 Cal. 4th 189 (2006). The case was tried successfully in 2008, defeating a claim of \$14 million and recovering property rights for our clients worth \$5 million. The trial court was upheld on appeal. *Fair v. Bakhtiari*, 195 Cal. App. 4th 1135 (2011). The case was featured in the *San Francisco Daily Journal* in the article "Mixing Client, Business Ends Badly."

### Simpson Strong-Tie Company, Inc. v. Stewart, Estes & Donnell

Won a landmark decision in the Tennessee Supreme Court regarding lawyer advertising and defamation.

### Eshelman, et al, v. Orthorclear Holdings, Inc.

Successfully defended securities class action against manufacturer that was accused of misleading investors about the prospects of patent litigation brought by its major competitor that was eventually settled on unfavorable terms. Representing the company, directors and officers, Art succeeded in winning a motion to dismiss all claims without leave to amend. The case was featured in *The Recorder* article "Suit over lost patent trial rejected."

### Sierra REIT Securities Litigation

Successfully defended the officers, directors and entities in state and federal derivative and securities class-action litigation against the seven Sierra REITS.

### Harbor Bay Business Park Litigation

Retained by Harbor Bay Business Park in Alameda County to develop and execute a strategy to avoid impending foreclosure. After litigating simultaneously in three forums, caused the creditors to cease foreclosure proceedings. Harbor Bay Business Park is successfully

operating today.

### Point Tiburon Construction Defect Litigation

Represented the developer in a massive construction defect case, simultaneously defending two class actions and successfully obtaining full recovery from more than 30 defendants.

### Success for All Foundation v. Education Partners

Retained by Success for All, the largest educational reform program in the United States, to attempt to void a 25-year license agreement and a 7-year, \$10 million-per year printing contract following their second year of performance. Termination of the license agreement was obtained following a full arbitration of the matter, and the printing agreement was terminated by subsequent settlement.

### Computerized Ticket Distribution Antitrust Cases; Department of Justice Inquiry Into Computerized Ticket Distribution

As counsel to Bay Area Seating Services (BASS), persuaded the United States Justice Department to take no action regarding complaints (including the complaint of the rock group Pearl Jam) against the computerized ticket distribution industry. Also acted as counsel in the California class actions challenging computerized ticket distribution practices.

### Rudolph & Sletten v. DPR Construction

Retained by Rudolph & Sletten, the premier California construction company for high-tech plants and facilities, to seek damages from former executives who had left the company with know-how, customer and prospect lists, and employee information. Obtained a \$7 million recovery for the client.

### Alexander, et al. v. Masters Institute

Retained by a vocational school to defend 170 individual claims by former students alleging fraud in connection with their vocational education. After the voluntary or court-ordered dismissal of nearly 100 plaintiffs' actions, the remainder of the plaintiffs were dismissed by the Santa Clara Superior Court as a result of a motion brought based upon discovery abuse. This unique dismissal ruling was discussed in a feature



article in the *Daily Journal* on May 24, 2000. Dismissal was upheld by the California Court of Appeal.

### California Corporations Code Section 2000 Proceeding

Represented one of two 50% shareholders in one of the largest disputed dissolutions of a privately held corporation in California.

### Tri-Valley Growers Litigation

Represented the former president of Tri-Valley Growers, formerly the largest agricultural co-op in the United States, defending claims in excess of \$100 million.

### Ida Eu v. Regents of the University of California

Retained by the Regents to represent them on appeal from a judgment in their favor in their most high-profile, sexual-harassment case. Prevailed in the California Court of Appeal.

### Lillick & Charles v. Pillsbury, Madison & Sutro

Retained by the San Francisco law firm of Lillick & Charles to attempt to enjoin the use of the "Lillick" name in the merger between Pillsbury, Madison & Sutro and Lillick & McHose, and succeeded in doing so.

### Olympic Club v. Lloyds of London

Retained by Lloyds of London to dispute the Olympic Club's entitlement to insurance coverage in its defense of claims by the City and County of San Francisco of race and sex discrimination. Won in the Federal District Court, and the case was affirmed on appeal by the Ninth Circuit Court of Appeals.

### The People of the State of California v. Honig

Retained by former California State Superintendent of Public Instruction Bill Honig and successfully represented him in connection with reducing his four-count felony sentence to misdemeanors.

## Activities

- American College of Trial Lawyers
  - Member

- Association of Business Trial Lawyers of Northern California
  - Founding President, 1991–1993
- University of California Mock Trial Program
  - Coach, 2004–2025
- Bay Area Rapid Transit
  - Elected Director, 1976–1988
  - President, 1983–1984
- California Lawyers for the Arts
  - Founding Director
- Henry Fork Foundation
  - Founding Director