

FOR IMMEDIATE RELEASE

CONTACT: Merri A. Baldwin
Chapman, Popik & White LLP
415-352-3000
mbaldwin@chapop.com

**JUDGE RULES IN FAVOR OF
QUALCOMM OUTSIDE COUNSEL**

*Attorney Adam Arthur Bier Confirmed to Have Acted
in Good Faith in Connection with 2007 Litigation*

APRIL 6, 2010, SAN FRANCISCO—In a 12-page order issued late on April 5, U.S. Magistrate Judge Barbara L. Major declined to impose sanctions against a group of six attorneys that included Chapman Popik & White client Adam Arthur Bier. Finding that Mr. Bier had acted in good faith in connection with his work as a junior associate assigned to the *Qualcomm v. Broadcom* litigation, the Court noted that he was not at fault for the “massive discovery failure” that occurred in that case. CPW partners Merri A. Baldwin and John Heller represented Mr. Bier in the sanctions proceedings, which included a three-day evidentiary hearing before Magistrate Judge Major in January 2010 at which Mr. Bier testified.

Yesterday’s ruling exonerated Mr. Bier and put what should be a decisive end to over three years of proceedings stemming from the litigation.

The sanctions proceedings arose from the six attorneys’ representation of Qualcomm as outside counsel in a patent infringement case that went to trial before the U.S. District Court for the Southern District of California in January 2007. During the trial, Mr. Bier (who had not been involved in pre-trial document collection and production) located emails on a Qualcomm engineer’s laptop that had not been produced in discovery. After trial, extensive additional documents were located, which formed the basis for the trial court’s award of attorneys’ fees against Qualcomm and Magistrate Judge Major’s order in August 2007 that Qualcomm’s outside counsel be required to show why they should not be sanctioned.

Following the submission of declarations by outside counsel, who had been prevented by Qualcomm’s assertion of the attorney-client privilege from revealing to the Court significant material information concerning their conduct in the case, and opposing declarations by Qualcomm employees who attempted to lay the blame for the discovery failures on their former outside counsel, the Court imposed monetary sanctions on Qualcomm and nonmonetary sanctions on certain of Qualcomm’s outside counsel, including Mr. Bier.

These sanctions were vacated in March 2008 by District Judge Rudi M. Brewster, who held that the responding attorneys' due process right to defend themselves had been violated and that Qualcomm's conduct had triggered the self-defense exception to the attorney-client privilege. Upon remand, Magistrate Judge Major ordered that the attorneys be allowed to conduct full discovery into the matter, which ultimately resulted in the collection and production to the responding attorneys of over 100,000 pages of documents over fifteen months, twelve depositions, and the filing of extensive briefs and declarations in advance of the January 2010 hearing.

Concerning the new ruling, Ms. Baldwin commented, "This was a just result, and demonstrates how critically important it is that attorneys have the right to defend themselves." Mr. Bier stated, "I am deeply gratified that the Court has so thoroughly considered the immense record and finally put this matter to rest. While the experience has understandably been very stressful and personally trying for me, it has also been tremendously educational and has, I believe, made me a more effective lawyer. I now look forward to devoting my full energies to serving my business and nonprofit clients and building my practice."

After leaving his old firm, Mr. Bier started a boutique transactional practice in San Francisco, representing emerging technology and media clients, arts organizations, and international companies in corporate, intellectual property, and general business matters. Information about Bier Legal is available at <http://www.bierlegal.com>.

A copy of the ruling is available at <http://www.bierlegal.com/qc-remand-order.pdf>.

###