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15 Attorneys for Plaintiff JAMES CUNHA

16 **UNITED STATES DISTRICT COURT**
17 **NORTHER DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

18 JAMES CUNHA, an individual, on behalf
19 of himself and all others similarly situated,

20 Plaintiffs,

21 vs.

22 INTELICHECK, LLC, a California
23 Limited Liability Company; PROPACIFIC
24 FRESH, INC., a California Corporation; and
25 DOES 1 through 100, inclusive,

26 Defendants

Case No.: 17-CV-00597-JST
CLASS ACTION

**DECLARATION OF JEROME FISHKIN
IN SUPPORT OF EVIDENTIARY
OBJECTIONS TO EVIDENCE IN
DEFENDANT’S REPLY TO PLAINTIFF’S
OPPOSITION TO DEFENDANT’S
MOTIONS 1) TO ENJOIN PLAINTIFF’S
COUNSEL’S MISREPRESENTATIONS
TO, AND IMPROPER SOLICITATIONS
OF, PUATATIVE CLASS MEMBERS, 2)
FOR A CURATIVE NOTICE TO BE SENT
TO PUTATIVE CLASS MEMBERS, 3) FOR
MONETARY SANCTIONS, AND 4) TO
DISQUALIFY PLAINTIFF’S COUNSEL**

Judge: Hon. Jon S. Tigar
Date: May 10, 2018
Time: 2:00 p.m.
Place: Courtroom 9

Complaint Filed: December 20, 2016
FAC Filed: March 3, 2017
Trial Date: None Set

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DECLARATION OF JEROME FISHKIN

1
2 I, Jerome Fishkin, declare:

3 1 . I am an active member of the State Bar of California and have been in good
4 standing since my admission in January 1971. I am also admitted to practice law before the
5 United States Supreme Court; the United States Court of Appeals, Ninth Circuit; United States
6 Tax Court; and all four United States District Courts in California.

7 2 . From 1971 to 1978, I was a general practicing attorney. From 1978 to 1983, I
8 was employed by the State Bar of California as a staff attorney, which included working with
9 State Bar sections and committees, legal research, and working with the Judicial Advisory
10 Committee on Legal Forms. From 1983 to 1992, I was a disciplinary prosecutor for the State
11 Bar of California.

12 3 . I specialize in Attorney Professional Responsibility and Conduct matters. Since
13 1992, I have been in private practice. I advise attorneys on matters of ethics and law practice,
14 testify as an expert witness, and represent attorneys in various proceedings where attorney
15 professional responsibility is at issue.

16 4 . I have written and lectured extensively on a wide variety of subjects pertaining to
17 attorney professional responsibility. My resume and list of past expert experience is as Exhibit
18 A.

19 5 . I have been asked by attorney Walter Haines to address the allegations of
20 unethical conduct raised by the defendants in this matter.

21 6 . In rendering these opinions, I have considered filed Documents 19, 119-6, 119-7,
22 125, 125-2, 125-11, 125-12, 125-13, 126 and 126-1.

23 7 . Attorney Haines states that he directed Anthony Demman to contact certain
24 persons and obtain information from them. The defendants seek disqualification of Haines,
25 alleging among other things, certain misconduct that violates the California Rules of Professional
26 Conduct. The applicable law is set forth in Local Rule 11-4. This Court applies the California
27 State Bar Act, the Rules of Professional Conduct, and the decisions of the California Supreme
Court and Courts of Appeal.

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1 8 . “A lawyer may delegate work to paralegal and other nonlawyer employees
2 provided the lawyer supervises and retains ultimate responsibility for the delegated work.” *Cal*
3 *Practice Guide, Professional Responsibility* (Rutter Group), §6:157. Non-lawyer employees
4 may interview clients, prospective clients and witnesses. They may perform preparatory work
5 for attorneys. *Jacoby v State Bar* (1977) 19 Cal 3rd 359, 363; *Cal Practice Guide, Professional*
6 *Responsibility* (Rutter Group), §1:170; Orange County Bar Association Ethics Opinion 94-002.

7 9 . Defendant’s reply brief cited *Bluestein v State Bar*, 13 Cal 23rd 162 (1974) as
8 demonstrating the Unauthorized Practice of Law. *Bluestein* does not address the issue of non-
9 lawyer employees. There, the attorney was disciplined because he held out Mr. Lynas as an
10 attorney, and permitted Mr. Lynas to give legal advice without any supervision. By way of
11 contrast, attorney Haines and Mr. Demman have described a system under which Mr. Demman
12 has been trained and supervised.

13 10. Non-lawyer employees of a law firm may perform work of a preparatory nature,
14 such as research, investigation of details, the assemblage of data and other necessary
15 information, and such other work as will assist the attorney in carrying the matter to a completed
16 product, either by his personal examination and approval thereof or by additional effort on his
17 part. “The work must be such, however, as loses its separate identity and becomes either the
18 product, or else merged in the product, of the attorney himself.” *Crawford v State Bar* (1960) 54
19 Cal 2nd 659, 668.

20 11 . Mr. Demman states that he has received instructions on the Rules of Professional
21 Conduct; never guaranteed a victory; never guaranteed an outcome; never held himself out as an
22 attorney; and never told them they would not obtain a recovery if they did not retain Plaintiff’s
23 counsel.

24 12 . Mr. Demman states that he may have recited to Mr. Humanson and Mr. Van
25 Sickle, the amounts alleged in the complaint -- \$100 to \$10,000. Relaying this information is not
26 the practice of law. It is the sort of information that non-lawyer employees can tell to clients,
27 prospective clients, or witnesses, as part of an interview. It is factual, done under attorney
supervision, and does not attempt to evaluate the merits of the witness’s claims.

 13 . Thus, in my opinion, the conduct of Mr. Haines as it related to Mr. Demman does
not violate Cal. Rules of Professional Conduct, Rule 1-300(A). Nor does it violate Cal. Bus. &

1 Prof. Code §§ 6125 or 6126. The declarations describe a system under which a lay person acts
2 under attorney supervision.

3 14 . Defendant’s reply brief asks, “What is a ‘law administrator?’ ” I am unable to
4 locate any authority that interprets that specific term. In my opinion, the term implies somebody
5 who is not an attorney. The State Bar Act uses the term “member” to identify an attorney; Bus &
6 Prof 6002. Sometimes it uses the term “lawyer,” e.g., Bus & Prof 6073. Sometimes, “attorney,”
7 e.g. Bus & Prof 6068.11. The Rules of Professional Conduct use the terms “member” and
8 “lawyer” in Rule 1-100(B), and the term “attorney” in some of the other rules, e.g. the discussion
9 section of Rule 3-100.

10 15 . Defendant’s reply brief argues that communications with putative class members
11 were not subject to the attorney-client privilege because it was a non-attorney who
12 communicated with putative class members. Law firm communications with clients, prospective
13 clients, and witnesses are protected. *Barton v U S District Court* (9th Circuit 2005) 410 F 3rd
14 1104, 1106. *Barton*, like the instant case, involved precertification communications with
15 prospective class members. Cal. Evidence Code 952 extends the attorney client privilege to
16 “...those to whom disclosure is reasonably necessary for the transmission of the information...”
17 Those persons include attorney’s agents. *National Steel Products v Superior Court* (1985) 164
18 Cal App 3rd 476, 483; *McDermott Will & Emery v Superior Court* (2017) 10 Cal App 5th 1083,
19 1094. Those two cases show the breadth of “reasonably necessary” personnel, from expert to
20 personal assistant.

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Exhibit A

**Jerome Fishkin
Fishkin & Slater, LLP
1575 Treat Blvd., Suite 215
Walnut Creek, CA 94598
(925) 944-5600**

Jerome Fishkin has been a licensed California attorney since 1971. He had a general law practice in San Francisco from 1971 to 1978. He became a research attorney for the California State Bar in 1978. He became a State Bar prosecutor in 1983 and was in that role for nine years. In 1992, he opened his own law firm where he provides expert witness testimony in cases involving attorney ethics and legal malpractice. Mr. Fishkin has spent the past twenty-four years working in the area of legal ethics and frequently lectures on, and has authored many articles related to, legal ethics.

Since 1993, Jerome Fishkin has provided expert witness testimony regarding legal ethics and professional responsibility in a wide variety of cases throughout the state of California.

Classes and Seminars:

MCLE Panels 2016: APRL, Issues in Admissions Cases; CEB, How to Hang Your Shingle; American Academy of Matrimonial Lawyers, Northern California Chapter, Family Law & Beyond; Crossovers, Experts and Issues of Interest, Wildland Fire Conference; State Bar of California, Twentieth Annual Statewide Ethics Symposium; East Alameda County Bar Association, Ethics 101.

MCLE Panels 2015: Contra Costa County Bar Association, Santa Clara County Bar Association

MCLE Panels 2014: Sacramento Women Lawyers, Wildland Fire Conference, Marin Probate Lawyers, Alameda County Family Law Association, Contra Costa Bar Association MCLE Spectacular; Golden Gate University School of Law, Going Solo Panel; State Bar Annual Convention, Panel Seniors and Bankruptcy; Contra Costa County Bar Association, Getting Out of the Case..."; ACCTLA, When Clients Go South; CAOC Convention, Panel Ethics, Association of Professional Responsibility Lawyers (APRL),

Other: Hastings Law School Ethics Class

MCLE Panels 2013: Marin County Family Law Section, Sonoma Women in Law, San Francisco Lawyers Network; The Unstable Client, Rains, Lucia & Sterns; Contra Costa County Bar Association.

MCLE Panels 2012: Webinar for Consumer Attorneys of California; AIDS Legal Referral Panel; Berkeley-Albany Bar Association; Conservatorship and Probate Section of Contra Costa County Bar Association; Family Law Section of Alameda County Bar Association; Wildland Fire Litigation Conference; State Bar Annual Meeting.

Other: Cal Berkeley Leadership Symposium.

MCLE Panels 2011: Consumer Attorneys of California, AIDS Legal Referral Panel; Probate Litigation Section of Bar Association of San Francisco

MCLE Panels 2010: Contra Costa County Bar; Association of Professional Responsibility Lawyers; Lawyering Skills Program at the California State Bar Annual Meeting

Other: Congregation B'nai Tikvah, Wildland Fire Conference

MCLE Panels 2009: Contra Costa County Bar, S.F. Trial Lawyers

Other: Bench-Bar Santa Clara County

MCLE Panels 2008: ABA Forum on Entertainment Law, Alameda Contra Costa Trial Lawyers; CEB: The Law Center of Contra Costa County, S.F. Trial Lawyers

Other: Wildland Fire Conference

MCLE Panels 2007: Association of Professional Responsibility Lawyers (APRL); Marin County Family Law Lawyers; Monterey County Women Lawyers; Orange County Lawyers Guild, Yolo County Bar.

Other: Expert Testimony, San Francisco Hillel Society, 2007

MCLE Panels 2006: Alameda County Bar Association; Eastern Alameda County Bar Association; Placer County Bar Association; S.F. Trial Lawyers

Other: Economic Round Table of San Francisco, 2006

MCLE Panels 2005: California Continuing Education of the Bar, Lawyers Club of San Francisco; Marin County Trial Lawyers; Northern California Consumer Bankruptcy Conference; Alameda Contra Costa Trial Lawyers Association (ACCTLA); Santa Clara County Bar Association, State Bar Annual Meeting

MCLE Panels 2004: The Legal Malpractice Section of the Bar Association of San Francisco; Bar Association of San Francisco Volunteer Legal Services Program; San Francisco Trial Lawyers Association; Sunnyvale-Cupertino Bar Association; CLE International - Eminent Domain Conference; American Immigrant Lawyers Association (AILA) California Chapters Conference; Consumer Attorneys of California, Santa Clara County Bar Association

MCLE Panels 2003: BASF Barristers Club, Silicon Valley Pro Bono Project, Santa Clara Bar Association; Lawyers Club of San Francisco; Consumer Attorneys of California; Orange County Specialty Lawyers Guild; Santa Clara County Bar; Solo Practice Section, Paralegal Association of Santa Clara County, Golden Gate University

MCLE Panels 2002: Consumer Attorneys of California

MCLE Panels 2001: AILA, Sacramento County Bar; Business Law Section, Consumer Attorneys of California; Distressed Companies Conference, Earl Warren Chapter, Inns of Court, Eminent Domain Attorneys; Golden Gate University Intellectual Property Conference, Lorman Education Services

MCLE Panels 2000: Alameda/Contra Costa Trial Lawyers, Charles Houston Bar Association; CLE International, Lawyers Club of San Francisco; Legal Incite, Legal

Malpractice Section of the BASF; Lorman Education Services, San Mateo County Bar Association Probate Committee; BASF Barristers Bridging the Gap

MCLE Panels 1999: Association of Professional Responsibility Lawyers; Berkeley-Albany Bar Association; California Applicants' Attorneys Association; San Francisco Chapter, Consumer Attorneys of California, Ethics Committee, BASF; Lawyers Club of San Francisco, Litigation Section, BASF; American Bar Association, Attorney Liability Subcommittee; McGeorge School of Law, National Business Institute, San Francisco Legal Secretaries Association; McGeorge School of Law Ethics Classes

Other: University of San Francisco School of Law Moot Court, 1999

MCLE Panels 1998: Attorneys Probate Association, Center for Continuing Education, Consumer Attorneys Of California, Lawyers Club of San Francisco, Queen's Bench

Other: University of San Francisco School of Law Moot Court, 1998

MCLE Panels 1997: Bay Area Lawyers for Individual Freedom; California Employment Lawyers Association; Panel, Lawyers Club of San Francisco; McGeorge School of Law, State Bar Court

MCLE Panels 1996: Bay Area Lawyers for Individual Freedom; Bay Area Intellectual Lawyers Inn of Court; Consumer Attorneys Of California; Contra Costa County Bar Association Real Estate Section; State Bar Court, Hastings College of the Law Ethics Class

Other: Legal Currents, KCSM - TV, 1996

MCLE Panels 1995: Consumer Attorneys of California, Consumer Attorneys Association of Los Angeles; Lawyers Club of San Francisco; McGeorge Law School, Practising Law Institute; San Francisco Public Defenders Office; University of San Francisco School of Law

Other: University of San Francisco Moot Court, 1995

MCLE Panels 1994: Alameda Bar Solo Practice Section; Association of Legal Administrators; Bay Area Lawyers for Individual Freedom; California Society for Healthcare Attorneys; Edward J. McFetridge American Inn of Court; Practising Law Institute, San Francisco Bar Real Property Section; San Francisco Lawyers Club American Inn of Court; San Francisco Trial Lawyers, San Mateo County Bar Business Law Section

MCLE Panels 1993: Los Angeles Trial Lawyers, San Francisco Lawyers Club

MCLE Panels 1992: PEN/CLE, Los Angeles Trial Lawyers; North San Mateo Bar Association; San Francisco Law School; San Francisco Lawyers Club; San Francisco Trial Lawyers; State Bar of California.

Expert Witness

Areas of Practice

- State Bar Defense (California)
- Moral Character and Fitness, California Bar

- Ethics Advice to California attorneys
- Attorney Discipline Defense, US Courts in California
- Attorney Discipline, Federal Agencies

Bar Admissions

- California, 1971
- U.S. District Court Northern District of California, 1971
- U.S. District Court Central District of California
- U.S. District Court Eastern District of California
- U.S. District Court Southern District of California
- U.S. Court of Appeals 9th Circuit, 1971
- U.S. Supreme Court, 1978
- U.S. Tax Court

Education

- **University of San Francisco School of Law, San Francisco, California**
 - J.D. - 1970
- **University of California at Berkeley, Berkeley, California**
 - B.A. - 1965

Published Works

- Stopping the Legal Bully, The Verdict Magazine, December, 2016
- Defending Your Work Product, Plaintiff Magazine, April, 2015
- MCLE Self Study: Where Do I Deposit My Retainer? Contra Costa County Bar Association MCLE Spectacular, December, 2014
- The Attorney-Client Life Cycle, Contra Costa Lawyer, June, 2008
- Attorney Conduct: The Impaired Client, March, 2008
- Toxic Client Syndrome, CAOC Forum, February, 2008
- Billing for Fun and Profit, The Recorder, 2005
- Lighten Up, The Verdict, Winter, 2005
- When Associates Leave, San Francisco Attorney, January, 2002
- Duties to Opposing Parties and Counsel, The Verdict, Winter, 2002
- Web Sites Bring New Opportunities, San Francisco Attorney, October, 2001
- Breaking Cases in 2001, San Francisco Attorney, August, 2001
- Respecting Confidential Client Information, The Marin Lawyer, May, 2001
- Interviewing Employees of the Other Side, The Verdict, Spring, 2001
- New Statutes Govern Attorney Conduct, San Francisco Attorney, February, 2001
- Working with the Impaired Client, ALRP Notes, January, 2001
- In the Beginning, Creation of the Attorney Client Relationship, CAOC Forum, April, 2000
- What's New in Lawyer Ethics?, Charles Houston Bar Association News, February, 2000
- Keeping Client Secrets, San Francisco Attorney, December, 2000
- How do You Measure a Reasonable Fee?, San Francisco Attorney, October, 2000
- Resolving the Division of fees Between Contingency Fee Attorneys, San Francisco Attorney, August, 2000
- Ethics on the Internet (Co-Author), San Francisco Attorney, April, 2000
- Duties to Opposing Parties, San Francisco Attorney, February, 2000
- The Impaired Client, San Francisco Attorney, October, 1999
- Withdraw Bridge, Daily Journal Los Angeles & San Francisco, May 20, 1999
- Justifiable Cause and Other Cases, San Francisco Attorney, February, 1999

- Special Contingency Fee Contracts, Charles Houston Bar Association News, May, 1999
- Bill & Co., Daily Journal Los Angeles & San Francisco, August 12, 1999
- Interviewing Employees of the Other Side, San Francisco Attorney, June, 1998
- Getting Out Alive, CAOC Forum, October, 1998
- Ethics: More Traps in Representing Minors, California Lawyer, May, 1998
- Ethics: Common Traps in Representing Minors, California Lawyer, April, 1998
- Division of Fees Between Successive Attorneys, CAOC Forum, April, 1997
- Majority Votes in Client Settlements, San Francisco Attorney, June, 1997
- Ethics Liability for Acts and Omissions of Partners, Legal Malpractice Report, Vol 5, No 1, 1996
- Remedies for Conflicts of Interest, San Francisco Attorney, June, 1995
- Disqualification: When Can You Sue a Former Client?, The Verdict, Winter, 1994
- A Pain in the Ads, The Verdict, Fall, 1994
- The Advocate: The Trial Lawyer; Charles Houston Bar Newsletter, New Laws Restrict Attorney Conduct, 1993
- Attorney-Client Fee Contracts, San Francisco Attorney, August, 1993
- Inheriting From Your Client -- Is it Worth the Price?, San Francisco Attorney, April, 1991

Representative Cases

- *Huskinson & Brown v Wolf*, 32 Cal. 4th 453 (2004)
- *Matter of Bellicini*, 4 Cal. St. Bar Ct. Rptr. 883 (2006)
- *In Re Garcia*, 58 Cal 4th 440 (2014)

Honors and Awards

- AV Rated by Martindale - Hubbell
- Super Lawyers, 2013 - Present
- Guardians de Justicia Award (Hispanic Bar Association of Orange County), 2014
- Clay Award - California Lawyers Attorneys of the Year, 2014
- Clint Hockenberry Award (ALRP), 2016

Professional Associations and Memberships

- Bar Association of San Francisco, Member, 1971 - Present
- Judicial Council Advisory Committee on Legal Forms, Member, 1976 - 1978
- U.S. District Court, Northern California, Arbitrator, 1979 - 1980
- Superior Court of San Francisco, Arbitrator, 1979 - 1983
- Small Claims Court of San Francisco, Judge Pro Tem, 1980 - 1985
- California State Senate, Member, Advisory Coalition on Court Reform, 1982 - 1984
- San Francisco Attorney Magazine, Member, Editorial Committee, 1985 - 2003
- California State Senate, Expert Witness, Judiciary Committee, 1986
- Bar Association of San Francisco, Member, Legal Malpractice Committee, 1989 - 2004
- Bar Association of San Francisco, Chair, Blood Drive Committee, 1989 - 1991
- Bar Association of San Francisco, Member, Ethics Committee, 1992 - 2004
- San Francisco Trial Lawyers Association, Member, 1992 - Present
- CEB (California Continuing Education of the Bar), Consultant, Litigation Ethics, 1994 - 1995
- University of San Francisco, Mentor Program, 1994 - 2010
- America On Line, Moderator, Legal Ethics and Malpractice Bulletin Board, 1995 - 1996
- Bay Area Lawyers for Individual Freedom, Member, 1995 - Present
- Charles Houston Bar Association, Member, 1995 - Present

- Consumer Attorneys of California (formerly CTLA), Member, 1995 - Present
- Association of Professional Responsibility Lawyers, Member, 1997 - Present
- Attorney Discipline Defense Counsel, Member, 2005 - Present
- East Bay La Raza Lawyers Association, Member, 2005 - Present
- Alameda County Bar Association, Member, 2006 - Present
- Contra Costa County Bar Association, Member, 2011 - Present

Past Employment Positions

- State Bar of California, Discipline Prosecutor, 1983 - 1992
- State Bar of California, Legislative Attorney, 1978 - 1983
- Jerome Fishkin, Attorney at Law, 1971 - 1978

Pro Bono Activities

- Legal Ethics Advisor, Aids Legal Referral Panel (ALRP), 1999 - Present
- Legal Ethics Advisor, Homeless Action Center, 2003 - Present
- Legal Ethics Advisor, San Francisco Small Business Advocates, 2002 - 2003
- Small Claims Court of San Francisco, Judge Pro-Tem, 1980 - 1985
- Legal Ethics Advisor, The Law Center (Contra Costa), 2010 - Present
- Coalition to Abolish Slavery and Trafficking, 2012 - 2017

EXPERT TESTIMONY HISTORY:

Trials in Which Jerome Fishkin has Testified as an Expert Witness

- *In Re Melvin Belli*, U S Bankruptcy Court, ND CA
- *Bylin v Caulfield*, San Mateo Superior Court
- *Charles v Chavez*, Santa Clara Superior Court
- *[Doe...] v Michell*, Contra Costa County Superior Court
- *Ganong & Michell v...*, Contra Costa Superior Court
- *Hung v Yao*, San Francisco Superior Court
- *Hyon v Shopoff*, San Francisco Superior Court
- *In Re Pliego*, Solano Superior Court
- *Rader v Rutchik*, San Francisco Superior Court
- *Sandhu v Central Plaza*, Alameda Superior Court
- *Schivo v Vestal*, San Francisco Superior Court
- *Estate of Snyder*, Alameda Superior Court
- *Spangenberg v Gughemetti*, San Mateo Superior Court
- *Slayton v Boxer*, Alameda Superior Court
- *Watson v Kalashian*, San Francisco Superior Court

Arbitrations in Which Jerome Fishkin has Testified as an Expert Witness

- *[Confidential fee dispute]* San Francisco County Bar Fee Arbitration [1/02]
- *[Confidential fee dispute]* San Francisco County Bar Fee Arbitration [3/02]
- *[Confidential fee dispute]* American Arbitration Association
- *[Confidential law firm dispute]* American Arbitration Association [3/10]
- *[Confidential fee dispute]* San Francisco County Bar Fee Arbitration
- *[Confidential fee dispute]* San Mateo County Bar Fee Arbitration
- *Drury v Nieser*, JAMS via San Francisco Superior Court

- *Fernandes v Malone*, American Arbitration Association
- *George v. Dreyer*, San Francisco Superior Court
- *Jet Pro v Lang*, San Mateo Superior Court
- *Paulden v Varga*, American Arbitration Association
- *Plasse v Ocadian*(Private Arbitration)
- *Rumble v Caplan*, US District Court, ND CA
- *Tocci v Warner*, AAA Arbitration

Cases in Which Jerome Fishkin has Testified as an Expert Witness by Deposition

- *4920 Corp v Ashworth*, Santa Clara Superior Court
- *Bylin v Caulfield*, San Mateo Superior Court
- *Charles v Chavez*, Santa Clara Superior Court
- *Christie v Johnson*, Dallas County, Texas
- *[Confidential law firm dispute] American Arbitration Association [2/10]*
- *[Confidential, "Cumis" dispute] JAMS*
- *In re Marriage of [confidential]*, San Mateo Superior Court
- *Craft v Hughmanick*, Santa Clara Superior Court
- *Davalos v Levin*, Tulare Superior Court
- *Di Benedetto v Grell*, San Francisco Superior Court
- *Foster v Dyer*, Sacramento Superior Court
- *Freilich v Paul Hastings*, JAMS
- *Drury v Niesar*, San Francisco Superior court
- *Ganong & Michell v...* Contra Costa Superior Court
- *George v Dreyer*, Private Arbitration, Sacramento
- *Hower v Haran*, San Francisco Superior Court
- *Hung v Yao*, San Francisco Superior Court
- *Jones v. Alexander*, Contra Costa Superior Court
- *Lasky, Haas, Drever*, San Francisco Superior Court
- *Malouf v...*, San Francisco Superior Court
- *McKray v Hyde*, San Francisco Superior Court
- *O'Callahan v ...*, Contra Costa Superior Court
- *Paulden v Varga*, San Francisco Superior Court
- *Pisani v... Buresh...*, Alameda Superior Court
- *Rader v Rutchik*, San Francisco Superior Court
- *Reeve v Meleyco*, San Joaquin County Superior Court
- *Estate of Snyder*, Alameda Superior Court
- *Spangenberg v Gughemetti*, San Mateo Superior Court
- *Standard v Coolidge*, Sacramento Superior Court
- *Thomas v Cole*, Alameda Superior Court
- *Tocci v Warner*, AAA Arbitration
- *Zimman v Berkov*, Marin Superior Court

Cases in Which Jerome Fishkin has Testified as an Expert Witness by Declaration

- - *Arguetas-Lopez, Oscar*, Board of Immigration Appeals
 - *Bowles v Wagner*, JAMS
 - *Bunker v Roux*, Santa Clara Superior Court
 - *Chavez, Maria*, Board of Immigration Appeals
 - *Confidential Arbitration*, ADR Services 2016
 - *Desert Outdoor Corp v Murphy*, San Francisco Superior Court

- **Fitzgibbons v Dollar Financial Corporation**, Alameda Superior Court
- **Insurance Agent Cases**, Judicial Council Coordination
- **Home Insurance v Hisaka**, Hawaii Arbitration
- **Hughes v Estabrook**, Sonoma Superior Court
- **Jones v Public Defender**, Sacramento Superior Court
- **Hyon v Shopoff**, San Francisco Superior Court
- **Lindley v...**, San Francisco Superior Court
- **Lopez, Eleodoro**, Board of Immigration Appeals
- **Madfes v Thompson**, Nevada County Superior Court
- **McKoane v Honda**, U S District Court, ND, CA
- **Moore v CEI**, Santa Clara Superior Court
- **People v Eisenberg**, Los Angeles Superior Court
- **People v J. [confidential]**, California Superior Court
- **Ross Valley Flood fee dispute**, JAMS [2/13]
- **Tocci v Warner**, AAA Arbitration
- **USA v Vincent**, U S District Court, ND CA
- **Vickery v Cinema Seven**, San Francisco Superior Court
- **Webster v LegalZoom**, Los Angeles, Superior Court