

RICHARD J. NELSON, Partner

Business Crimes Defense, Civil Litigation,
Intellectual Property Transactions and Litigation

DESCRIPTION OF PRACTICE

Richard Nelson specializes in litigation, with a focus on white collar criminal defense and complex commercial litigation. Mr. Nelson has extensive jury trial experience in federal and state courts, having tried 32 cases to jury verdict. He has represented corporate clients in governmental investigations and individuals charged with white collar crimes. He has handled both litigation and arbitration involving contract disputes, claims of fraud, and unfair business practices. In addition, he has written many appellate briefs and argued more than a dozen appeals before federal and state courts of appeal.

A particular focus of Mr. Nelson's practice is working with corporations to assist them in internal investigations to determine evidence of fraud and other crimes committed against those corporations, and then working with law enforcement and prosecutors to obtain investigations and prosecutions of entities committing the crimes, through sentencing and restitution. His work in this area was profiled in the *Corporate Crime Reporter*, October 1, 2007.

Mr. Nelson was a federal prosecutor for five years in the United States Attorney's Office in Washington, D.C., from 1994-1999. He investigated and prosecuted criminal cases involving government fraud, bribery, and other federal statutes. During his last year as a federal prosecutor, Mr. Nelson served in the homicide section. He received Department of Justice Special Achievement Awards (1996, 1998) and commendations from the FBI for prosecutions of complex bribery schemes.

REPRESENTATIVE EXPERIENCE

Recent Successful Representations Involving Companies in Enforcing Rights via Criminal Referrals

- Representing a leading manufacturer of network hardware in promoting Brand Protection and warranty fraud cases with law enforcement, which has entailed working with FBI, ICE, and other law enforcement agencies and federal prosecutors in more than twenty states and Canada.
- Representing a leading manufacturer of computer equipment in promoting discount fraud cases with law enforcement, in significant fraud schemes that targeted discount programs.
- Represented a family trust in investigating a multi-million fraud committed against it by an individual in Hawaii, prepared a white paper detailing the evidence, and secured a criminal prosecution of the perpetrator of the fraud, and a parallel civil settlement restoring the defrauded money to the client.

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Sideman & Bancroft LLP

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White Collar Representations

- Represented high-ranking executive in DRAM antitrust investigation in Northern District of California, eventually securing a favorable plea agreement with the government.
- Represented individual accused of insider trading in SEC investigation, and obtained non-prosecution following Wells submission.
- Represented doctor accused of trafficking in controlled substances based on prescriptions provided through an internet medical service, securing a deferred prosecution agreement with no prison time and small fine.

Recent Civil Litigation Representations

- Represented a franchisee against its franchisor in a state court action alleging breach of contract and trademark infringements, resulting in a favorable settlement for the client following eight days of trial in Los Angeles.
- Represented an investment company in a civil fraud action brought by Goldman Sachs, resulting in a favorable settlement following hearing on summary adjudication motions.
- Represented First American Title Company in a civil antitrust action asserting that its control of a title plant was an “essential facility,” obtaining summary judgment in favor of the client, and successfully defended that judgment in an appeal to the Ninth Circuit.
- Represented Borders Books and Music in civil antitrust action brought by association of independent booksellers, obtaining a favorable settlement following partial grant of summary judgment and after four days of trial.

PROFESSIONAL INVOLVEMENT

Richard Nelson has been the national co-chair of the Computer Crime, Intellectual Property and Trade Secrets Subcommittee of the American Bar Association’s White Collar Crime Committee, 2007-present.

Mr. Nelson has been the Program Chair for two ABA National Institutes on Criminal Enforcement of Intellectual Property Rights (D.C., 2007; San Francisco, 2008)

Mr. Nelson has been a member of the IPR Enforcement Subcommittee to the Departmental Advisory Committee on Commercial Operations of the Bureau of Customs and Border Protection, 2008-present.

Prior to joining Sideman & Bancroft, Mr. Nelson was a partner with Sidley Austin Brown & Wood LLP, and before that a litigation partner with IP boutique Skjerven Morrill LLP in San Francisco.

Following graduation from law school, Mr. Nelson served as a law clerk to Judge Kenneth Ripple of the United States Court of Appeals for the Seventh Circuit.

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PUBLICATIONS

- Co-author with Jeffrey C. Hallam, *Calculation of Loss Amount and Restitution for Criminal IP Infringement*, ABA, White Collar Crime 2008 (ABA Publications, 2008)
- *Survey of Criminal Counterfeit Cases (18 USC § 2320): August 2006 to July 2007*, ABA, Criminal Enforcement of Intellectual Property Crimes (ABA Publications, 2007)

EDUCATION

B.A., Santa Clara University, 1981, cum laude

J.D., Georgetown University Law Center, 1989, magna cum laude;
Order of the Coif; Articles Editor, *Georgetown Law Journal*

DECISIONS

Lyons v. Chinese Hosp. Ass'n, 136 Cal.App.4th 1331 (2006)

Inter-County Title Co. v. First American Title Co. of Nevada, 259 F.Supp.2d 1107
(D. Nev. 2003)

American Booksellers Ass'n, Inc. v. Barnes & Noble, Inc., 135 F.Supp.2d 1031
(N.D. Cal. 2001)

U.S. v. Strothers, 77 F.3d 1389, (C.A.D.C., 1996)

U.S. v. Henry, 48 F.3d 1282, (C.A.D.C., 1995)

American Frozen Food Institute, Inc. v. U.S., 855 F.Supp. 388 (CIT, 1994)