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## Heavy Hitters

*San Jose trial law boutique McManis Faulkner has punched above its weight for five decades.*

**By Shane Nelson**

*Daily Journal Staff Writer*

**C**elebrated trial attorney James McManis didn't grow up wanting to be a lawyer, but after finishing his undergraduate degree at Stanford University in 1964, the history major had a decision to make.

"I could either go to graduate school or I'd get an all-expense-paid trip to Vietnam, courtesy of the United States government," the McManis Faulkner founder recalled. "I didn't have any particular interest in being a lawyer, but I went to law school."

Born in Boston, McManis grew up in St. Paul, Minn., where his father sold music instruments and both his parents spent time working on the radio.

"I came from a family where there was a lot of arguing and speechifying," McManis said with a laugh.

After completing his degree at UC Berkeley School of Law in 1967, McManis worked for three years at the Santa Clara County District Attorney's Office, and the inherent competition of trial work there started to grow on him.

"That's what I love about trying cases: There's always a winner and a loser," said McManis, who described himself as very competitive. "There's very little ambiguity in outcomes. The plaintiff wins or



Gary Wagner / Special to the Daily Journal

From left, McManis Faulkner principals Abimael Bastida, Maya Younes, James McManis, Eliabeth Pipkin and Patrick Hammon

the defendant wins, and I love that."

McManis struck out on his own in 1971, hanging a shingle in San Jose and focusing his efforts then on criminal defense work. In October next year, McManis Faulkner will celebrate its 50th anniversary, and while the 20-attorney shop still handles criminal defense, the firm has broadened its practice today to include civil rights matters, family law, employment, trade secrets cases, as well as business and government litigation.

"We're trial lawyers," McManis said. "And that's one of the things I love about this

practice – it's always something new every day."

ADR Services Inc. neutral and retired Santa Clara County Superior Court Judge Kevin J. Murphy, who has worked with McManis on several mediations and noted the trial attorney appeared a number of times before him during his 28 years on the bench, described him as a "colorful character."

"Jim is flamboyant, old school, and believes lawyers should be consummate professionals," Murphy said. "And he's probably among the top three trial lawyers that I've encountered in all my years."

Murphy said McManis is one

of just a handful of attorneys that handled both serious criminal felony cases as well as civil matters before him, and the retired judge noted McManis has frequently taken on unpopular cases in the past, including at least one personal injury matter before Murphy involving allegations of excessive force by police officers.

"If you take on law enforcement, generally they're not thrilled with you," Murphy said.

McManis Faulkner also represented former Santa Clara County Superior Court Judge Aaron Persky pro bono during a contentious recall campaign

initiated by county voters in 2018. The firm filed a procedural complaint, arguing the state should have conducted the election instead of the county because judges are state officers, but a 6th District Court of Appeal panel ultimately ruled against Persky. *Persky v. Bushey*, 17-CV-314311 (Santa Clara Super. Ct., filed Aug. 8, 2017).

Persky sentenced Stanford University student Brock Turner to six months in jail and three years' probation for sexually assaulting an unconscious woman in 2015.

"Regardless of whether you agree or disagree with the sentence, we felt really strongly that it was important to stand up for judicial independence, and provide representation for the judge," said McManis Faulkner managing partner Elizabeth M. Pipkin. "I'm really proud we were able to take that on even though that wasn't the most popular thing to do."

Unlike her boss, Pipkin said she grew up wanting to be an attorney, inspired to help people by books like "To Kill A Mockingbird" and "The Dia-

ry Of A Young Girl" by Anne Frank, and the chance to pursue civil rights cases at McManis Faulkner has been particularly fulfilling.

"It feels really good to know that we have a larger purpose," Pipkin said.

Palo Alto trial attorney Allen J. Ruby, who has worked with McManis Faulkner but also opposed the firm over the years, said the boutique is formidable.

"Jim and his firm are very staunch adversaries," he explained. "When you're on the other side, you're going to have to bring your A-game."

The U.S. government got a taste of the firm's dogged resolve during a 14-year battle over a Stanford graduate student's inclusion on a federal "No Fly" list for terrorists. Representing Rahinah Ibrahim, who in 2004 was accidentally listed by an FBI agent on federal high-risk security designations, the firm successfully challenged the Stanford graduate student's No Fly designation in federal court, later establishing new law during repeated visits to the 9th U.S. Circuit Court of Appeals.

*Ibrahim v. DHS*, 2019 DJDAR 4 (9th Cir. Jan.2, 2019).

"The attorney general of the United States, Eric Holder, personally signed an affidavit, as well as James Clapper the director of National Intelligence, and they said under oath – under penalty of perjury – that each of them examined her file, and she represented a national security threat, and the defense in this case was not to cover up some administrative blunder or oversight," McManis said. "Total lie."

McManis Faulkner partner Patrick M. Hammon joined the firm in December 2019 after 12 years on the public company litigation team at Skadden, Arps, Slate, Meagher & Flom LLP. But Hammon's first McManis Faulkner stint came nearly two decades earlier, when he was a college undergraduate working in the firm's file room.

"It's great to be back," Hammon said with a laugh, describing his boss as a terrific mentor who hasn't changed much. "I think his attitude is the same today as it was 20 years ago when I was here. He really knows and cares about

every single person in the office."

Ruby, meanwhile, was quick to mention that McManis' wife, Sara Wigh, who runs much of the firm's administrative operations, deserves a great deal of credit for the boutique's success.

"The firm is McManis Faulkner," Ruby said. "But for anyone who knows them and has seen them grow and prosper, it's McManis, Faulkner and Wigh because that's how big a part in it she's played."

McManis said it's been a tremendous joy to work with his wife for the last 30 years, insisting they each have really cherished the chance to be a part of the many successes of the firm's young attorneys.

"Sara and I are kind of the mom and pop of the legal world. This is our family business," he explained. "We both feel it's really kept us young. Whatever our chronological age, just being around young people there's a lot of energy, a lot of excitement, and I think we can teach them a lot, too, about how to be a good lawyer. It's definitely a family for us."