# YOUR CALIFORNIA COUNSEL

## Local Counsel Silicon Valley

Our trial attorneys have represented a number of out-of-state plaintiffs and defendants in federal and state courts in Silicon Valley and California. We have significant experience with **business/commercial litigation**, **patent, trademark and trade secrets**, **employer defense** as local counsel in Silicon Valley, including:

- Filing motions to dismiss or transfer based on a lack of venue or personal jurisdiction
- Obtaining and resisting *ex parte* temporary restraining orders and temporary injunctions/preliminary injunctions
- Navigating local rules, including local patent rules in the federal courts
- Joint venturing intellectual property (IP) cases
- Handling trademark infringement proceedings
- Patent claim construction proceedings (*Markman*)
- Second-chairing civil trials as local counsel

We also have significant experience with covenants not to compete, unfair competition, misappropriation, and other trade secret cases, as well as business/commercial litigation disputes.

## *Pro Hac Vice* Admission Requirements in Silicon Valley Courts

The *pro hac vice* admission requirements for Silicon Valley federal courts (along with *pro hac vice* applications) can be found at the **Northern District of California website**. We encourage all referring lawyers to read the **Guidelines for Professional Conduct**. For state court litigation please review the **Santa Clara County Code of Professionalism.**

## Silicon Valley Local Counsel Services

### Federal Court Litigation Practice

The local counsel services provided by our trial attorneys include complex litigation and trial representation in both federal and state courts in Silicon Valley. We assist with substantive pre-trial motion and briefing practice, and preparing, filing, and arguing preliminary motions and filings (e.g. removal petitions, motions to remand, motions to dismiss, and motions to transfer venue). In addition,

counsel attorneys assist out-of-state attorneys with the *pro hac vice* admission process and with other general litigation needs.

### Personal Jurisdiction and Venue Challenges

Our trial attorneys can also assist with filing motions to challenge personal jurisdiction and venue, as well as assisting with transferring cases filed in Silicon Valley to foreign jurisdictions.

### Litigation and Trial

Our trial attorneys are experienced with handling intellectual property cases and commercial litigation from initial stages through trial . Our trial attorneys can assist with all aspects of civil trial practice, including:

- Preparing and filing original pleadings
- Filing and scheduling hearings
- Obtaining pre-judgment injunctive relief
- Substantive motion and briefing practice, including *Markman* hearings
- Discovery practice, including written discovery, depositions, site inspections, and related motion work
- Attendance at hearings and trial
- Filing or resisting motions for temporary restraining orders, temporary and preliminary injunctions, and other equitable relief

### Arbitrations and Mediations

Our trial attorneys are experienced with arbitration proceedings and can assist clients and referring attorneys with all aspects of arbitration practice, including initial arbitration case evaluation and strategy, selection of arbitrators, representing clients through the entire arbitration process, and post-arbitration matters. We also have significant experience mediating cases in Silicon Valley, and can recommend neutrals appropriate for a particular client dispute.

### Pre-Trial Strategy and Evaluation

Our trial attorneys provide a broad range of important pre-trial assistance to clients and referring attorneys, including claim and case evaluation, pre-trial case strategy, and in-depth venue and jurisdictional analyses.

## Local Counsel Expectations, Referral Commitments, and Service Goals

Because we take our local counsel responsibility seriously, we express the following Local Counsel Expectations to ensure that we can provide a working relationship with the client and lead counsel that is both effective and cost-efficient while maintaining our responsibilities as local counsel under local rules. We are confident that we can work effectively with your current counsel to provide you great service. If a client wishes to engage us as local counsel for a matter pending in Silicon Valley, we will ask the client and lead attorney to sign off on our Local Counsel Expectations agreement to ensure

that mutual expectations are set in the beginning.  The following are some key elements required for us to act as local counsel in Silicon Valley:

## Adequate Review Time for Filings and Advice

For us to perform our role as local counsel effectively, we must have the opportunity to review pleadings and documents sufficiently in advance of their submission so that our suggestions can be discussed, considered, and where appropriate, implemented.  We will do our best to get back to you immediately, but in the absence of true emergencies we need a one- to two-day lead time.  Such an arrangement also spares our staff from having to work miracles and meeting last-minute filing deadlines.

## Not a "Mailbox" - We Must Remain Involved in the Case

Additionally, our local rules require that local counsel be fully informed on cases, and some courts require that we be available at a moment’s notice to handle hearings and other court requests.  Because of these requirements, we cannot function solely as a “mailbox,” as is sometimes requested of local counsel.  Rather, we must remain informed on the case status.  We endeavor to be as efficient and cost-effective as possible in this role.

## Compliance with the Applicable Code of Professionalism

In addition to California State Bar's Rules of Professional Conduct, we also comply with the State and Federal Courts’ Codes of Professionalism in handling litigation matters, either as lead counsel or local counsel.  We encourage all referring lawyers to read the **Northern District’s Guidelines for Professional Conduct** and the **Santa Clara Country Bar Code of Professionalism**.

## Retainer

For all local counsel matters, we  require a retainer, to be held as security for final payment. Retainer requirements are set on a matter-by-matter basis. **Contact us** for additional details about our engagement process.

# Primary Contact

- Alison P. Buchanan