

LEONARD J. FELDMAN

LEGAL EXPERIENCE

Washington Court of Appeals, Judge, 2023-present

Appointed March 2023 to Division One of the Washington Court of Appeals. Nominated by the Court of Appeals and confirmed in 2024 as the court's representative to the Washington Court Reports Commission.

Seattle University School of Law, Distinguished Professor from Practice, 2020-present

Classes taught include first-year torts and upper-level federal courts. Nominated by students to receive 2021, 2023, and 2024 Outstanding Faculty Awards. Co-author of textbook regarding personal injury law.

Peterson Wampold Rosato Feldman & Luna, Partner and Senior Counsel, 2014-23

Diverse litigation practice with emphasis on appellate practice and civil rights claims. Argued two police shooting appeals in the United States Supreme Court and numerous appeals in the Ninth Circuit and Washington appellate courts.

Stoel Rives LLP, Partner, 2008-14

Diverse litigation practice with emphasis on appellate practice, class action litigation, and antitrust. Head of the firm's Appellate Practice Group.

Heller Ehrman LLP, Associate and Partner, 1992-2008

Diverse litigation practice with emphasis on appellate practice, environmental litigation, and antitrust. Head of both the Appeals and Strategy Group and the Community Service Committee in Heller Ehrman's Northwest offices.

United States Court of Appeals For The Ninth Circuit, Judicial Law Clerk, 1991-92

Provided general assistance to Judge Jerome Farris, including preparation of bench memoranda and draft opinions.

EDUCATION

Harvard Law School: J.D., *magna cum laude*, 1991

Academic Honors: Sears Prize (awarded to top two students based on grades) for 1988-89 and 1989-90 academic years.

University of Washington, B.S. in Psychology, *summa cum laude* (GPA 3.97), 1987

Academic Honors: Undergraduate Merit Scholarship (awarded to top 25 students based on grades) and Certificate of High Scholarship 1983-84, 1984-85, and 1986-87.

PROFESSIONAL ACTIVITIES AND AFFILIATIONS

District Coordinator for the Ninth Circuit Pro Bono Program

Ninth Circuit Attorney Mentor

Fellow of American Academy of Appellate Lawyers

Member of Washington Appellate Lawyers Association

ACLU-Washington Legal Committee

Appellate Lawyer Representative to the Ninth Circuit Judicial Conference

Chair and Vice-Chair of King County Bar Association Appellate Practice Section

ADMISSIONS

Washington

United States Supreme Court

United States Court of Appeals – Fifth, Eighth, Ninth, and Tenth Circuits

United States District Court – Western and Eastern Districts of Washington

REPRESENTATIVE HONORS

Pro Bono Award (Washington State Bar Association, for outstanding efforts in providing pro bono services) – 2006

Best Lawyers in America (bestlawyers.com, for appellate practice) – 2014

Named as “Rising Star” and “Super Lawyer” on numerous occasions (Washington Law and Politics)

SIGNIFICANT ENGAGEMENTS

- Represented plaintiffs in two police shooting cases before the United States Supreme Court. I was counsel of record and argued in both matters. In the first case, the plaintiff asserted Americans with Disabilities Act and excessive force claims against San Francisco police officers who entered her apartment and shot her when she responded in a threatening manner. *City and County of San Francisco v. Sheehan* (U.S. Sup. Ct.). In the second, the plaintiffs asserted unlawful entry, excessive force, and negligence claims against Los Angeles police officers who unlawfully entered their home and shot them upon perceiving a threat. *Mendez v. County of Los Angeles* (U.S. Sup. Ct.; 9th Cir.).
- Represented decedent’s estate as assignee of policyholder in asserting coverage and bad faith claims against insurance company. The Ninth Circuit Court of Appeals held that insurer breached duty to defend and reversed district court’s contrary holding. The matter promptly settled on remand. *Mitchell v. American Reliable Insurance Company* (Ninth Circuit; D. Mont.).
- Represented Microsoft in defending claims under federal antitrust laws, California state unfair competition laws and copyright law, alleging monopolization, attempted monopolization, tying, unfair competition and copyright infringement. The Fourth Circuit Court of Appeals ruled in favor of Microsoft in two separate appeals: one regarding the district court’s preliminary injunction ruling and the other regarding the court’s collateral estoppel ruling. *Sun Microsystems, Inc. v. Microsoft Corp.* (Fourth Circuit; D. Md.).

REPRESENTATIVE PUBLICATIONS AND PRESENTATIONS

- Judge Leonard J. Feldman and Julia Dougherty, “The Class of Injuries Test: A Unifying Proposal to Determining Duty, Proximate Cause, and Superseding Cause in Negligence Claims,” 47 Seattle Univ. L. Rev. 1613 (2024)
- Keeton, Sargentich, Keating, Fleming, and Feldman’s *Tort and Accident Law* (5th ed. 2023)

- Leonard J. Feldman, “‘Make My Day!’ -- The Relevance of Pre-Seizure Conduct in Excessive Force Cases,” 4 Howard Human and Civ. Rights L. Rev. 27 (2020)
- Seasoned Professionals and Judges Share Their Practice Tips and Lessons Learned, King County Bar Association Appellate Division – September 2017
- Appellate Advocacy Program, Ninth Circuit Court of Appeals – September 2017
- Beating Mental Illness: A Dialogue on Race, Gender, & Disability Stereotypes in Use of Force Cases, Saks Institute of Mental Health, Policy & Ethics – April 2016
- Judge Stephen J. Dwyer, Leonard J. Feldman, and Hunter O. Ferguson, “The Confusing Standards for Discretionary Review in Washington and a Proposed Framework for Clarity,” 38 Seattle Univ. L. Rev. 91 (Winter 2014)
- Malaika M. Eaton, Leonard J. Feldman, and Jerry C. Chiang, “The Continuous Ownership Requirement in Shareholder Derivative Litigation: Endorsing a Common Sense Application of Standing and Choice-of-Law Principles,” 47 Willamette L. Rev. 1 (Fall 2010)
- Judge James Verellen, Leonard J. Feldman, and Daniel A. Swedlow, “Partial Appeals in Multiple-Party and Multiple-Claim Cases: Tips and Traps from the Trenches and the Benches,” *Washington State Bar News* – March 2010
- Judge Stephen J. Dwyer, Leonard J. Feldman, and Robert G. Nylander, “Effective Oral Argument: Six Pitches, Five Do’s, and Five Don’ts From One Judge and Two Lawyers,” 33 Seattle Univ. L. Rev. 347 (Winter 2009)
- Judge Stephen J. Dwyer, Leonard J. Feldman, and Ryan P. McBride, “How to Write, Edit, and Review Persuasive Briefs: Seven Guidelines from One Judge and Two Lawyers,” 31 Seattle Univ. L. Rev. 417 (Spring 2008)
- Daniel A. Zariski, Leonard J. Feldman, Malaika M. Eaton, and Darin M. Sands, “Mootness in the Class Action Context: Court-Created Exceptions to the ‘Case or Controversy’ Requirement of Article III,” 26 Rev. Litig. 77 (Winter 2007)
- Leonard J. Feldman, Rima J. Alaily, and Chad D. Farrell, “*Independent Ink* At The Crossroads Of Antitrust And Intellectual Property Law – The Court’s Holding Regarding Market Power In Cases Involving Patents And Implications In Cases Involving Copyrights,” 30 Seattle Univ. L. Rev. 407 (Winter 2007)
- Leonard J. Feldman, Daniel A. Zariski, and Malaika M. Eaton, “The Equitable Tolling Doctrine In First Party Insurance Coverage Matters: Analysis, Benefits, And An Illustrative Case Study,” Tort Trial & Insurance Law Journal Vol. 41, Number 1 (Fall 2005)
- Leonard J. Feldman, “The Interstate Compact: A Cooperative Solution to Complex Litigation in State Courts,” 12 Rev. Litig. 137 (1992)

PERSONAL INTERESTS

Family, jazz, running, bicycling, scuba diving, chess, completed London Marathon April 2004 & Lake Stevens Half Ironman August 2011.