

Resume of Bartholomew (Bart) Lee

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EDUCATION

1971 Juris Doctor, University of Chicago Law School, followed by post-doctoral registration for work in Law & Economics;

1968 Bachelor of Arts in Literature and Philosophy, (emphasis in science and mathematics) St. John's College (*cum laude* – “the Great Books School”);

Summers: Clerk, Hart & Hume, New York City, 1963, 1967; Supreme Court Clerk, Law Library, University of Chicago Law School, 1969; Research Associate in Criminal Procedure, Chicago, 1970-71.

BAR MEMBERSHIPS

State Bar of California (1973 to present);

Admitted to practice: United States Supreme Court 1977; United States Court of Appeals for the Ninth Circuit; United States District Courts for the Northern, Central, Southern, and Eastern Districts of California.

PROFESSIONAL ASSOCIATIONS

1989 to present: SPIEGEL LIAO & KAGAY, San Francisco
Of Counsel to the firm in private law practice emphasizing antitrust and trade regulation, and complex litigation.

Representative cases:

Federal proceedings, USDC, ND Cal. (San Jose) in *Yaqub v. Salinas Valley Memorial Healthcare System*; see parallel successful appeal 122 Cal.App.4th 474 (2004);

Trial and appeal reported in *Bay World Trading, Ltd v. Nebraska Beef, Inc.*, 101 Cal. App. 4th 135 (2002);

In re Coordinated Pretrial Proceedings in Petroleum Products Antitrust Litigation MDL-150 (see 906 F.2d 432 (9th Cir. 1990) for ultimate appellate resolution) earlier proceedings in USDC, CD Cal. reported 1978-1 Trade Cases, ¶61,839 (*parens patriae* liability);

Pre-trial and consolidated appellate proceedings in *Bullock vs. City and County of San Francisco*, reported 221 Cal.App.3d 1072 (1990);

Po Shing Corp vs. Koo (San Francisco Superior Court no. 912 428). Koo as a cross-complaint prosecuted a federal racketeering claim in Superior Court, settling just before trial for full treble damages in 1992;

Broadmoor v. Arce, (San Francisco Superior Court no. 982 761) settled in 1998 entirely in defendant's favor with release of all assets after a State Bar reproof to opposite counsel;

Prior litigation: while associated with Furth, Fahrner & Wong (1973- 77), and in solo private practice (1977-89 and as Acting General Counsel, Northwest Equity Corporation, 1987-88, and as of counsel to Marks & Greenberg, 1983-85):

Western Liquid Asphalt Price Fixing Cases (MDL-50; see 487 F.2d 191 (9 Cir., 1973) reported 1976-2 Trade Cases, ¶¶61,164 (co-conspirator liability);

Symbolic Control vs. International Business Machines, reported 1976-1 Trade Cases, ¶¶60,723, 1980-2 Trade Cases, ¶¶63,427 and 643 F. 2d 1339 (9 Cir., 1980 – second-chaired the trial and responsible attorney on the successful monopolization appeal; settled seven figures);

Sportservice vs. Finley, 676 F. 2d 1291 (9 Cir., 1982 – second-chaired the trial on antitrust relevant market definition);

Munn vs. Unknown Agents, USDC, ND Cal. (1980 – Civil Rights Act claims against federal and state prosecutors and investigators during criminal defense; settled);

Energy Conservation vs. Heliodyne, reported 1982-83 Trade cases, ¶¶65,179 and 698 F. 2d 386 (9 Cir., 1983 – successful appeal on sham exception to antitrust immunity);

Liew vs. Central Banking System (and the governments of Hong Kong and Singapore), USDC, ND Cal. 1980; 685 F. 2d 1192, (9 Cir., 1982 – remanded after appeal on choice of law, settled eight figures in Singapore, also reported *New York Times*);

Hawkins vs. Central Intelligence Agency (USDC, ND Cal. 1980 – reported *Freedom of Information Practice*; attorneys fees awarded against the CIA);

Internal Revenue Service litigation related cases and appeals, (USDC, ND Cal. 1985 – reported *American Bar Association Journal*);

Gold Depository and Loan vs. Phelps Dodge Corporation (USDC, D Ariz. 1985 – antitrust monopolization claims about ore reserves with parallel state court litigation; settled);

FSLIC vs. Rapp (USDC, ED NY 1986 – organized crime S&L fraud, reported *Forbes*).

Other business litigation including IP/technology and antitrust issues, including four jury trials, on behalf of, among others:

State of Arizona in antitrust class actions; plaintiff classes in Petroleum, Asphalt, Cement, Milk and other industry-wide class cases, as well as single plaintiffs in treble damages cases including Carr Electronics, California and Eid's Television, California;

Yokohama Rubber Corporation, Tokyo (antitrust defense);

National Semiconductor Corporation, California (trade secrets), North Star Computers, California (trade secrets), Broadcast Music, Inc., New York (copyrights);

Japan Crescent, Inc., Tokyo; Cathay Pacific Airways, Hong Kong; Manufacturers Hanover Mortgage Corporation, Michigan; American Real Estate Investment Trust, California; Planned Investments, Inc., California; Wannian Holdings, Ltd., Singapore.

Settlements, accords and mergers:

Yaqub vs. Salinas Valley Memorial Healthcare System, U.S. D.C. ND Cal. 2004 resolution through mediation of Civil Rights Act damages case; sealed.

Perham Foundation, Foothill College District and History San Jose electronic museum divestiture and merger accords, 1991, 2002;

California Historical Radio Society and Bay Area Radio Museum merger, 2010;

Ashkenazi vs. Bernstein, RICO settlement accord, San Francisco Superior Court, 1993;

Koo adv. Po Shing Corporation, RICO settlement accord, San Francisco Superior Court, 1992; settled seven figures.

Northwest Equity and Bank of America accord, 1987;

Phelps Dodge and Gold Depository mining antitrust settlement accord, 1983;

In Re Seven Acres, San Mateo County Superior Court, 1981; settled seven figures;

American Real Estate Investment Trust vs. California Real Estate Trust settlement, Superior Court, Orange County, 1983; settled six figures.

Greenpeace Global Council international formation, mergers and settlement accord, U.S. D.C. ND Cal. 1980;

Gypsum Antitrust Cases, USDC, ND Cal. 1973 - settlement (\$67,000,000 plus interest) distribution planning, protocols and administration.

SELECTED PUBLICATIONS

The 1850 Petition to Adopt the Civil Law, 23 *Western Legal History* 181 (2012);

The California Civil Code, 5 *Western Legal History* 13, (1992);

Hard Rock Mining and the Antitrust Laws: When Too Much is Really Too Much, *Ninth Circuit Survey*, 15 *Golden Gate University Law Review* 49, (1985);

Eliminating Affirmative Defenses in Antitrust Treble Damages Actions: Symbolic Control, Inc. v. IBM, *Ninth Circuit Survey*, 11 *Golden Gate University Law Review* 241, (1981);

A New and Legal Pun in Chaucer, 89 Law Quarterly Review (UK) 345, 1973;

Criminal Trial and Appellate Guide, (associate to Marshall Patner), IICLE, 1974.

ACADEMIC ASSOCIATIONS

Adjunct Professor, Golden Gate University, San Francisco, 1983-2003; authoring the *Curriculum Guide in Law and Economics* (1991) and teaching Antitrust and Regulated Industries, Business Law, Money and Banking, Micro- and Macro-Economics and the History of Economic Thought;

Adjunct Faculty, Saybrook Institute, San Francisco, Dissertation Review Board, 1988-91; author *Legal Implications of Restraints in Licensing Clinical Psychologists*, for The Saybrook Forum, (July, 1989) and *pro bono* Special Counsel to Saybrook Institute; in 1990 presented with the Distinguished Service Award;

Instructor, University of Chicago Law School, and Senior Harry A. Bigelow Teaching Fellow, 1971-73, designing and administering the research and writing program and enjoying independent research in economics and in legal history, leading to publication;

Lecturer, Antique Wireless Association Conference, 1990 to present on the history of electronic technology; Houck Award for Documentation, 2003;

Certificate, Henry George School of Economics, New York, 1963.

Additional Academia-related publications include:

Radio Spies, Episodes in the Ether Wars, 15 AWA Review 1 (2002);

The Marconi Beacon Experiment, 21 AWA Review 1 (2008);

Planning for the Future – Singapore Style, Asia Cable (Feb. 1986);

Doomsday Book, Smithsonian magazine (Volume 17, Number 6 Sept. 1986 Letters).

TESTIMONY

Hearings on H.R. 2060 and H.R. 2204 and Other Proposals Restoring Effective Enforcement of the Antitrust Laws, before the Subcomm. on Monopolies and Commercial Law of the House Comm. on the Judiciary, 96th Cong. 1st Sess. 258, 345 (1979);

Hearings on H.R. 8359, before the Subcomm. on Monopolies and Commercial Law of the House Comm. on the Judiciary, 95th Cong. 1st Sess. 467 (analysis for subcommittee counsel) (1977);

California Senate Committee on Constitutional Amendments re proposed amendment SCA 39 (1981);

State Bar of California, Hearing, Public Protection Committee (1989);

Qualified as an Expert Witness (on punitive damages), Securities Arbitration (1992);

Qualified as an Expert Witness at trial, including qualification on Professional Standards in the Antitrust Practice (1981 and 1986).

PRO BONO and Community Service

General counsel for Greenpeace Foundation of America in *Greenpeace Vancouver vs. Greenpeace Foundation of America* (USDC ND Cal C-79-1513 SAW – trademark and trade secrets case; the successful strategy counter-claimed to implement a poison pill defense of rendering the trademarks into generics. The matter settled with formation of the Greenpeace Global Council;

Federal Communication Commission, Commercial General Radio Operators and Extra Class Amateur Radio Licenses; service to the Red Cross, New York City, September 11-21, 2001 as deputy emergency communications manager (see [Lee] 9-11: *Amateur Radio in New York*, Popular Communications, Sept. 2002);

Volunteer Counsel, American Radio Relay League; ARRL: The National Association for Amateur Radio, since 2005

General Counsel to the California Historical Radio Society, 1989 to present; Herrold Award, 1992;

Litigation Counsel to the Perham Foundation Electronics Museum (through judgment and divestiture) 1991; Special Counsel for the merger with History San Jose, 2001;

The Simmelweis Society, Laureate, “Clean Hands” award, May, 2008; see *Mileikowsky vs. West Hills Hospital*, 45 Cal. 4th 1259, 203 P.3d 1113, 91 Cal.Rptr.3d 516 (2009).