

Steven C. Berman – Shareholder



Steven Berman provides clients with responsive, effective and efficient solutions to complicated problems. His litigation practice focuses on complex business, securities, insurance coverage, employment and consumer disputes. Steven also provides counsel to progressive causes and candidates regarding Oregon and local elections law. Steven has represented both individuals and institutions, predominantly as plaintiffs, in state and federal trial courts, before the Financial Industry Regulatory Authority (FINRA) and before other arbitration and regulatory bodies. Steven has briefed and/or argued appellate matters before the Oregon Court of Appeals, the Oregon Supreme Court, the Third Circuit Court of Appeals, the Ninth Circuit Court of Appeals and the United States Supreme Court. For the past several years, Steven has served as an arbitrator for disputes that originate in Multnomah County Circuit Court.

Steven is a frequent contributor to continuing education programs. He has written articles on employment termination, competition and trade-secret matters, strategic lawsuits against public policy (SLAPP suits) and on the rights of homeless people. Steven authored the chapters on Elections Law and Government Ethics in

the Oregon State Bar's 2009 and 2010 *Oregon Legislation Highlights* and co-authored the chapter on pre-trial motions practice in the Oregon State Bar's *Oregon Civil Pleading and Practice* treatise. Steven has given presentations to other lawyers on topics including Oregon elections law, business litigation, SLAPP suits, and balancing work and personal life.

Steven has been recognized by *Oregon Super Lawyers* and *Best Lawyers in America* for his litigation skills. Steven is AV Preeminent rated with Martindale Hubble. In 2005, Steven received the Oregon Trial Lawyers Association's Arthur H. Bryant Public Justice Award. In 2018, Steven was selected to America's Top 100 High Stakes Litigators® in Oregon.

Representative Cases:

Business Litigation:

- Following one of the longest jury trials in Klamath County history, obtained verdict for clients in multi-million dollar breach of contract case involving the blue-green algae industry. Jury entered unanimous verdict for clients on breach of contract claim brought against them; jury provided clients with declaratory relief sought. Court subsequently denied all of the claims for equitable relief brought against clients. *A.F.A., Inc. v. Klamath Algae Products*, Klamath County Case No. 1300520CV (2015).
- Obtained over \$720,000 in tax credits for biomass collector whose tax credit application had been improperly denied. Obtained summary judgment in the trial court, and prevailed on appeal. *Quicksilver Contracting Co. v. Department of Energy*, 267 Or App 423 (2014).

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- Represented multinational steel manufacturing and trading company in various director, employee and third-party actions in the United States and the United Kingdom. Successfully defended against claims, including intentional interference with alleged \$90 million military equipment contract, breach of contract, common law and securities fraud. Obtained dismissal or summary judgment in each of five cases brought in the United States against company. *ISTIL Group, Inc. v. Masood*, USDC Case No. CV 03-1765 AS (2004 WL 948376); *Integral Resources (PVT) Limited v. ISTIL Group, Inc.*, USDC (D.Del.) Case No. 03-904 (GMS) (2004 WL 2758672, *affirmed*, 155 Fed. Appx. 69 (3rd. Cir. 2005)). Subsequently obtained a \$725,000 award for client in arbitration in London.

Securities:

- Successfully represented numerous individual investors in claims against their brokerage firms and representatives for securities fraud, unsuitability and related state and federal securities law violations.
- Represented national mutual fund in appeal of securities fraud case against entity that sold bonds to mutual fund. Successfully obtained reversal of trial court's grant of summary judgment. *Waddell & Reed v. Dougherty & Co.*, 155 Fed. Appx 968. Case resolved after appeal.
- Represented regional broker-dealer in pre-litigation resolution of claims arising out of agents' sale of securities. Assisted client in avoiding substantial litigation costs and damages and ultimately recovered partial repayment for client from third-parties.
- Successfully defended regional insurance and investment services firm against claims arising from former employee's sale of securities. Case ultimately resolved on terms favorable to client.

Securities/Trade Secrets/Employment:

- Represented registered representatives in breach of noncompete and misappropriation of trade secrets case in federal court brought by representatives' former brokerage firm. Successfully defended against brokerage firm's motion for preliminary injunction.
- Represented regional brokerage firm against claims brought by terminated financial advisor for breach of contract and various tort duties, alleging damages of millions of dollars. Client prevailed on all claims. *Boelke v. Paulson Investment Company, Inc.*, FINRA Case No. 11-01172.
- Represented national brokerage firm in breach of noncompete and misappropriation of trade secrets case in federal court and before the National Association of Securities Dealers (now known as FINRA). Preliminary and permanent injunctions were granted for client.
- Represented national brokerage firm against claims brought by current financial advisor for breach of contract and various tort duties, alleging damages in excess of \$5 million. Client prevailed on all tort claims and majority of contract claims; claimant was awarded only *de minimis* damages. *Beckmeyer v. Waddell & Reed*, NASD Case No. 04-D1545.

Consumer Class Actions:

- Represented class of policy holders who alleged that insurer had violated Fair Credit Reporting Act by failing to inform them that they had been charged higher premiums based on their credit score. Case settled for \$85 million. *Reynolds v. Hartford Financial Services Group*.

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Insurance Coverage:

- Represented vertically integrated real estate management, investment and development company in coverage dispute with insurer, resulting in insurer paying litigation defense costs and participating in settlement of multi-million dollar securities and real estate dispute.
- Obtained insurance defense and indemnification coverage for treatment facility for adjudicated youth offenders facing litigation from former residents.
- Obtained insurance coverage for international school in West Africa that had been threatened with litigation by former employee.

Political and Election Representation:

- Represented two former Governor Kitzhaber political advisors who were sued by Oracle for \$33 million for allegedly causing the State of Oregon to terminate the \$300 million Cover Oregon health insurance exchange project. The firm filed an anti-SLAPP motion on behalf of his clients, which the Court granted. Oracle's case was dismissed, and Oracle was ordered to pay the advisors' legal fees and costs.
- Represented numerous electors in ballot title challenges before the Oregon Supreme Court. Recent cases include: *McCann v. Rosenblum*, 355 Or 256 (2014); *Bates v. Rosenblum*, 355 Or 375 (2014); *Towers v. Rosenblum*, 354 Or 125 (2013).
- Represented recreational marijuana legalization campaign through all phases of political process, from filing of the initiative through general statewide election in November 2014.
- Represented genetically modified foods labeling campaign through all phases of political process, from initiative filing through November 2014 statewide general election, including post-election recount and litigation.
- Successfully defeated efforts to place statewide liquor sale privatization measure on November 2014 statewide general election ballot.
- Represented Oregon Tribal Gaming Alliance in litigation brought by supporters of initiative to amend the Oregon constitution to allow a privately-owned casino in east Multnomah County. Successfully supported Secretary of State's position that the initiative lacked sufficient signatures to qualify for the ballot. *Rossmann v. Brown/Oregon Tribal Gaming Alliance*, Marion County Circuit Court Case No. 1018807.

Internal Investigations:

- Conducted investigation for Portland Public Schools regarding district's practices and protocols for testing for lead in water and managing information about lead in water. After report was released, district superintendent resigned.
- Conducted review for City of Portland regarding adequacy of internal investigations and remedial actions by company involved in 2006 parking meter bribery scandal.

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Professional Experience:

- Stoll Berne; Of Counsel, 2001-2008; 2010-2013; Shareholder, 2014-present
- Our Oregon; Counsel and Research Director, 2008-2010
- Steven C. Berman, attorney, Portland, Oregon; sole practitioner, 1999-2001
- Ball Janik LLP, Portland, Oregon; associate, 1997-1999
- Hon. Susan P. Graber, Oregon Supreme Court; judicial law clerk, 1994-1996

Education:

- Harvard Law School, J.D., *cum laude*, 1994
- Amherst College, B.A., *magna cum laude*, 1989

Admitted to Practice:

- Oregon State Bar, 1995
- United States District Court, Oregon
- United States Court of Appeals, Ninth Circuit
- United States Court of Appeals, Third Circuit
- United States Supreme Court

Professional Activities:

- Oregon Trial Lawyers
 - Board of Governors, 2016-present
 - Amicus Committee, 2002-2004
 - New Lawyers' Committee, 2001-2002
 - Business Litigation Committee, co-chair, 2012-2015
- Oregon State Bar
 - Procedure and Practice Committee, 2012-2015; Chair 2015

Community Activities:

- Oregon Lawyers Against Hunger, Board of Directors, 2002-2005
- WaterWatch of Oregon, Board of Directors, 2005-2010
- Oregon League of Conservation Voters
 - Board of Directors, 2009-2015