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Susan H. Handelman specializes in civil appeals in state and federal appeals courts in addition to handling civil litigation matters. Her practice emphasizes appeals and writs arising from a broad spectrum of underlying litigation such as real property, intellectual property, legal and medical malpractice, personal injury, insurance, business, banking and tax litigation. She is certified as an appellate specialist by the State Bar of California's Board of Legal Specialization. She has handled cases in every one of California's state and federal appellate courts, including the California Supreme Court.

Ms. Handelman is frequent speaker for, and is a program chair for, Continuing Education of the Bar (CEB) and has been active in judging law school appellate court competitions. She has published articles; including "The Artful Pleading Doctrine" regarding federal jurisdiction, and other articles regarding insurance coverage issues. She served four years on the State Bar of California's Appellate Law Advisory Commission and served a term as Chair of this appellate commission. She is also a trained mediator for the California Court of Appeal, First Appellate District. Ms. Handelman has been named by *Northern California Super Lawyers*® magazine in the area of appellate law, and featured as a top appellate lawyer in the San Francisco Bay Area in Bay Area Lawyer Magazine.

She is a member of the Bar of the United States Supreme Court, the Bar of the Federal Circuit Court of Appeals in Washington D.C. (where patent appeals are heard), State Bar of California and is also admitted to practice in the Ninth Circuit Court of Appeals as well as the federal trial courts in California. She received her B.A., with honors, from Washington State University and her J.D., with honors, from Golden Gate University.

## Practice Areas

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- Appellate
- Insurance Services

## Education

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- Washington State University, B.A. cum laude
- Golden Gate University School of Law, J.D.

## Court Admissions

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- California
- Supreme Court of the United States
- US Court of Appeals for the Ninth Circuit

## Memberships & Associations

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- State Bar of California

## Representative Experience

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**Practice Area:** Appellate, Healthcare

**Key Issues:** Evidence

**Venue:** Court of Appeal; California Supreme Court

**Client Type:** Defendant Physician

Represented defendant physician in the appellate courts (Court of Appeal and Supreme Court) to successfully establish an important aspect of evidence law, i.e. non-admissibility of Department of Health Services' materials that had been prepared using confidential hospital peer review committee records.

**Result:**

*Fox v. Kramer*, 22 Cal. 4th 531 (Cal. 2000)

**Practice Area:** Appellate

**Key Issues:** Criminal

**Venue:** Supreme Court of the United States

**Client Type:** Defendant Individual

Represented defendant in Supreme Court appeal.

**Result:**

Successfully challenged the interpretation the Court of Appeal gave to a state statute immunizing landowners from liability for injury to criminals who commit felonies on the owners' premises.

**Practice Area:** Appellate, Real Estate

**Key Issues:** Church Law

**Venue:** Court of Appeal of the State of California Sixth Appellate District

**Client Type:** Religious Leader

This is a real property dispute that erupted when a dissenting faction withdrew from a religious organization. The appeal involved significant U.S. and California constitutional issues.

**Result:**

Succeeded in having affirmed a lower court decision determining that the real property remained in the control of the church.

**Practice Area:** Appellate

**Key Issues:** Punitive Damages

**Venue:** Superior Court of the State of California and for the City of San Francisco

**Client Type:** Defendant, Insurance Company

Represented defendant in an appeal concerning, among other issues, imposition of approximately \$20,000,000 in punitive damages.

**Result:**

Result – punitive damages award reversed.

**Practice Area:** Appellate

**Key Issues:** Appeal; Judgment Notwithstanding the Verdict

**Venue:** San Mateo County Superior Court

**Client Type:** Defendants- Employee

Hired by defendants after jury awarded former employee of client more than a million dollars for breaching a \$75,000 i.o.u. for back commissions. Beginning with post-trial motions to amend judgment, for new trial and for judgment notwithstanding the verdict, elicited rulings from trial court that eliminated two-thirds of the damages awarded. This forced the plaintiff to appeal, freeing client to cross-appeal without having to post security for judgment pending appeal.

**Result:**

Unpublished decision from Court of Appeal affirmed trial court's reductions in damages and (on protective cross-appeal for client) struck additional damages from judgment, essentially resulting in judgment for the amount of the i.o.u., which is all that it should have been to begin with.

**Practice Area:** Appellate, Intellectual Property, Trade Secret Protection and Litigation

**Key Issues:** Trade Secret

**Venue:** Santa Clara County Superior Court

**Client Type:** Internet Based Stock Trading Company

In this trade secret case the court of appeal reversed the trial court's grant of defendant's, an internet based stock trading company, motion for nonsuit on damages for misappropriation of a trade secret.

**Result:**

The court remanded the case for trial on the damages issue.

**Practice Area:** Appellate

**Key Issues:** State Taxation

**Venue:** California Court of Appeal, First Appellate District

**Client Type:** Plaintiff Tax Payer

Represented taxpayer in a complex appeal involving refund of more than \$1 Billion in state possessory interest taxes.

**Result:**

Succeeded in reversing trial court outcome that had barred refund.

## News

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- Appellate Attorneys Bemoan Decline in Oral Advocacy, *Appellate Law360*, October 2, 2009