

2007

## LOCAL DATA ABOUT FORUM SHOPPING

Michael St James  
ST. JAMES LAW, P.C.

With one significant difference, the following tables are merely compilations of data from Professor LoPucki's Bankruptcy Research Database, identifying the filing venue of publicly held company bankruptcy cases by comparison to their headquarters location. The exception is that cases filed in the same District as their headquarters are treated as "staying at home" rather than "shopping out;" that is, intra-District forum shopping is treated as "not counting."

## SAN FRANCISCO

City filed	Mean	Median	St. Dev.	Frequency
Oakland	510	510	0	1
San Francisco	4607	610	8292	7
Wilmington	811	404	634	3
Total	3199	545	6880	11

City filed	Corporation Name	Attorney	Year
Oakland	Kenetech Corp.	Stutman LA	1996
San Francisco	Itel Corporation		1981
San Francisco	Guy F. Atkinson Company of California		1997
San Francisco	Pacific Gateway Exchange, Inc.		2000
San Francisco	At Home Corp		2001
San Francisco	NorthPoint Communications Group, Inc.		2001
San Francisco	Pacific Gas & Electric Co.		2001
San Francisco	Clarent Corp.		2002
Wilmington	CellNet Data Systems, Inc.	Richards, Layton & Finger Del	2000
Wilmington	WebVan Group, Inc.	Pachulski SF	2001
Wilmington	Liberate Technologies	Gibson, Dunn SF	2004

**Shop Out Percentage: 27%**

## OAKLAND

City filed	Mean	Median	St. Dev.	Frequency
Houston	713	713	0	1
Oakland	371	344	67	5
Total	428	344	141	6

### Debtor Names

City filed	Corporation Name
Houston	Buttes Gas & Oil Co. (1985)
Oakland	Everex Systems, Inc.
Oakland	Hexcel Corp.
Oakland	Read-Rite Corp.
Oakland	Spreckels Industries Inc.
Oakland	Worlds of Wonder, Inc.

**Shop Out Percentage: 17%**

## SAN JOSE

City filed	Mean	Median	St. Dev.	Frequency
New York			0	2
San Francisco	366	366	0	1
San Jose	862	710	350	4
Wilmington	1818	714	1529	4
Total	1200	714	1122	11

City filed	Corporation Name	Counsel	Year
San Francisco	Technical Equities Corp.	Gendel Raskoff	1986
San Jose	Leasing Solutions, Inc.		1999
San Jose	Komag, Inc.		2001
San Jose	Metricom, Inc.		2001
San Jose	SONICblue, Inc.		2003
Wilmington	Covad Communications	Pachulski SF	2001
Wilmington	Exodus Communications, Inc.	Skadden NY	2001
Wilmington	Globalstar LP	Young Conaway	2004
Wilmington	Redback Networks Inc.	Pachulski SF	2005
New York	Cornerstone Propane Partners, L.P.	Kirkland & Ellis NY (since 2002)	2004
New York	Calpine	Kirkland & Ellis NY	2005

**Shop Out Percentage: 55%**

## CALIFORNIA BY DISTRICT

<b>C. D. Cal</b>		Shop Out Percentage
Stay at Home	25	
Shop Out	13	
Total	38	<b>34%</b>

<b>E. D. Cal.</b>		
Stay at Home	0	
Shop Out	3	
Total	3	<b>100%</b>

<b>N. D. Cal</b>		
Stay at Home	18	
Shop Out	10	
Total	28	<b>36%</b>

<b>S. D. Cal</b>		
Stay at Home	4	
Shop Out	2	
Total	6	<b>33%</b>

## NEARBY STATES

### Washington

		Shop Out Percentage
Stay at Home	2	
Shop Out	8	
Total	10	<b>80%</b>

### Oregon

Stay at Home	2	
Shop Out	4	
Total	6	<b>67%</b>

### Idaho

Stay at Home	0	
Shop Out	2	
Total	2	<b>100%</b>

### Nevada

Stay at Home	2	
Shop Out	0	
Total	2	<b>0%</b>

### Arizona

Stay at Home	7	
Shop Out	3	
Total	10	<b>30%</b>

Congressman Don Edwards American Inns of Court Presents:

# How the East Was Won

*Forum Shopping and Bankruptcy: How It Started and Where It Will End*

## **Prof. Lynn M. LoPucki**

Security Pacific Bank  
Professor of Law  
UCLA Law School  
[LoPucki@law.ucla.edu](mailto:LoPucki@law.ucla.edu)

## **William P. Weintraub**

Pachulski, Stang, Ziehl, Young,  
Jones & Weintraub, P.C.  
New York, NY  
[wweintraub@pszyjw.com](mailto:wweintraub@pszyjw.com)

*Moderator*

## **Michael St. James**

St. James Law, P.C.  
San Francisco, CA  
[michael@stjames-law.com](mailto:michael@stjames-law.com)

### **Topics:**

- What is the pattern of forum selection -- particularly as it affects the Northern District of California?
- Is there a correlation between the forum selected and the likelihood that the reorganization case will fail?
- Who makes the forum selection and what factors affect forum selection?
- Conflicts rules as unnecessary straight-jackets
- Judicial corruption or search for sophisticated courts?
- Does local or circuit law drive forum selection? Should it?
- Can local courts handle mega-cases?
- How can judges or practitioners compete? Should they?
- Home is where the critical vendor order is
- Should the venue provisions be changed? Is it politically feasible?

**Thursday, March 8, 2007**

**4:45 – 7:30 p.m.**

*Hilton San Jose*

*300 Almaden Boulevard  
San Jose, California*

*IOC Members – Complimentary*

*Non-IOC Members - \$50*

*Registration 4:45 – 5:15 p.m.*

*Program 5:15 – 6:30 p.m.*

*Reception Following Program*

*MCLE: 1 Hour*

**RSVP by March 1, 2007 to [nancorber@bindermalter.com](mailto:nancorber@bindermalter.com) OR**

**Nan Corber, Binder & Malter, 2775 Park Ave, Santa Clara, CA 95050**

**Please Make Checks Payable to "Don Edwards IOC"**

Name: \_\_\_\_\_ State Bar ID # \_\_\_\_\_

Firm: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ e-mail: \_\_\_\_\_

IOC Member \_\_\_\_\_ (free) Non-IOC Member \_\_\_\_\_ (\$50 fee enclosed)