



Nick Spear

Partner

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Overview

Nick Spear litigates high-stakes and high-profile matters across the United States, representing both plaintiffs and defendants and regularly facing-off against industry titans. Spear has tried cases in federal courts, state courts, and arbitrations across a variety of legal areas including false claims, insurance, securities, real property, breach of contract, personal injury, intellectual property, and employment. Spear's cases have been covered by the *Los Angeles Times*, the *Associated Press*, and numerous industry publications.

Named a California Lawyer Attorney of the Year by *The Daily Journal* in 2023, a Rising Star of the Plaintiffs Bar by *National Law Journal's* Elite Trial Lawyers, a Litigation Trailblazer by *National Law Journal* (ALM), and a Southern California Super Lawyers Rising Star (Thomson Reuters) in 2021 and 2022, Spear plays a central role in his cases, regularly leading deposition efforts that elicit critical information, writing persuasive motions and briefs, and winning crucial arguments in court. Spear frequently argues and succeeds against lawyers with decades more experience, including successfully opposing a demurrer argued by a former United States Attorney.

LANDMARK LITIGATION

In *State of California v. Cellco Partnership*, Spear served as co-lead counsel to some of the largest government entities in California—including the University of California system, the California State University System, and the County of Los Angeles—in a ground-breaking California False Claims Act lawsuit against several major wireless carriers. The carriers were alleged to have fraudulently overbilled their government customers for wireless services by failing to provide contractually required "lowest cost available" service. Spear played a key role in the matter, leading efforts to pursue the offensive case against AT&T. In total, the four telecommunications giants—AT&T,

Verizon, Sprint, and T-Mobile—agreed pay \$175 million to the government plaintiffs in California and Nevada, including over \$50 million from AT&T alone (net settlement after fees and expenses not yet determined). These record-setting settlements are among the largest of their kind in California. Read more in the [*Los Angeles Times*](#)' coverage.

Spear is at the forefront of protecting policyholders from improper insurance charges by many of the nation's largest insurers, including Voya, Lincoln Life, North American, Genworth, Phoenix, and John Hancock. In *Helen Hanks v. Lincoln Life & Annuity Company of New York*, Spear secured a settlement valued at over \$118 million (before fees and expenses), which included a \$92.5 million non-reversionary cash settlement fund, for thousands of insurance policy owners against Voya Retirement Insurance and Annuity Company over allegations that Voya improperly raised policyholders' cost-of-insurance charges. In *37 Besen Parkway LLC v. John Hancock Life Insurance Co*, Spear helped secure a \$91.25 million all-cash, non-reversionary settlement for insurance policy owners against John Hancock Life Insurance Co over allegations that Hancock breached the life insurance contracts of the class (before fees and expenses). Read more [here](#) (subscription required). Spear now represents a certified class of insurance policyowners in *Advance Trust & Life Escrow Services, LTA v. North American Company for Life and Health Insurance* over allegations that North American has overcharged universal life insurance policyowners.

Spear also tries cases at the cutting edge of law and technology, including representing the Lead Plaintiff in a putative securities class action alleging that the cryptocurrency XRP is an unregistered security.

Spear maintains an active pro bono practice. He currently represents a tenant advocacy group helping defend the constitutionality of eviction protections for renters enacted by the City of Oakland and Alameda County in the wake of the COVID-19 pandemic. The [*Daily Journal*](#) profiled Spear and his colleagues for their work in this area. You can also read more about it in [*San Francisco Chronicle*](#)'s coverage and in [Law360](#) (subscription required).

COMMUNITY LEADERSHIP

Spear is actively involved in the community. He is an [officer](#) on the Executive Committee of the Barristers/Young Attorneys section of the Los Angeles County Bar Association (LACBA), which represents the interests of thousands of early-career attorneys across Los Angeles county. Spear is the President-Elect and will serve as President during the 2023–24 term. In addition, Spear is on the LACBA [Executive Committee](#) and [Board of Trustees](#), as well as the Bench and Bar Committee.

Spear is also on the [Advisory Board](#) of the Western Center on Law and Poverty where he has helped raise thousands of dollars to support Western Center's mission to protect California's most vulnerable citizens. Spear has also spent more than a decade as a staff member for the American Legion's

California Boys' State program, one of the nation's premier governmental education programs for high school students, and currently serves as one of the program's Legal and Elections counselors. Spear also sits on the Board of Directors of the California Boys & Girls State Foundation.

BACKGROUND

Before joining the firm, Spear served as law clerk to the Honorable Andrew D. Hurwitz of the United States Court of Appeals for the Ninth Circuit and to the Honorable Philip S. Gutierrez of United States District Court for the Central District of California.

Spear earned his JD from University of Chicago Law School where he graduated order of the coif and with high honors, and his Bachelor of Arts degree from UCLA, where he graduated *cum laude* and Phi Beta Kappa.

Honors & Distinctions

- Lawdragon 500X – The Next Generation of Leading Lawyers (2023)
- California Lawyer Attorney of the Year, *Daily Journal* (2023)
- Recommended Lawyer, Energy Litigation: Oil & Gas, The Legal 500 (2022, Legalease)
- Litigation Trailblazer, *National Law Journal's* Elite Trial Lawyers (2021, ALM)
- Rising Star of the Plaintiffs Bar, *National Law Journal's* Elite Trial Lawyers (2021, ALM)
- Southern California Rising Star, Super Lawyers (2021, 2022, 2023 Thomson Reuters)
- Comments Editor, *The University of Chicago Law Review*
- Order of the Coif, University of Chicago Law School
- Kirkland & Ellis Scholar, University of Chicago Law School
- The Ann Watson Barber Outstanding Service Award, University of Chicago Law School
- The Thomas R. Mulroy Prize for Excellence in Appellate Advocacy and Oral Argument, University of Chicago Law School
- Phi Beta Kappa, UCLA

Clerkships

Honorable Andrew D. Hurwitz, United States Court of Appeals for the Ninth Circuit

Honorable Philip S. Gutierrez, United States District Court for the Central District of California

Admissions

Bar Admissions

- California
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Court Admissions

- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. District Court for Central District of California
- U.S. District Court for the Eastern District of California
- U.S. District Court for the Northern District of California
- U.S. District Court for the Southern District of California

Wins

Verizon, AT&T Agree to Pay \$116 Million in California and \$11 Million in Nevada to Settle Whistleblower Cases

Leadership & Professional Memberships

- American Bar Association
- American Bar Foundation, Fellow
- Association of Business Trial Lawyers
- California Lawyers Association
- Federal Bar Association
- Judge Paul R. Michel Intellectual Property American Inn of Court
- Los Angeles County Bar Association, Executive Committee