

Bartko

Frank F. Sommers



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Education

Georgetown University Law Center, J.D.,
Cum Laude, 1982

Dartmouth College, B.A. (Political Science
and Russian), 1977

Professional Affiliations

San Francisco Bar Association

California Bar Association

Associate Editor, ABA Litigation Magazine,
2013-2015

Founder and Past President, San Francisco
Lawyers Club Inn of Court

Bar Admissions

State Bar of California

U.S. District Court for the Northern, Central,
and Southern Districts of California

Practice Areas

Complex Civil Trials
Business Litigation
Commercial Fraud
Intellectual Property Litigation
First Amendment
Legal Malpractice

Experience

Frank Sommers tries complex cases in which opponents seek to use the threat of jury incomprehension as a lever in settlement. Starting with his background as an IBM Systems Engineer, he has maintained his interest in the area of complex corporate systems and software systems as it expressed itself in the Internet, including large system software development and licensing disputes involving both applications and system middleware. His cases in this area include leading an inquiry into the failure of the rollout of a national bank's cash management system; suing the developer of internal accounting software that failed at a large national insurer; and prosecuting claims for breach of license. Mr. Sommers also handles securities matters for clients and brokers in FINRA arbitrations.

Mr. Sommers believes that the trial attorney's role is to set up a case so that it can be cleanly tried, which means focusing both on the equities and the law. The majority of cases settle and as a result, most litigators fail to secure the best settlement possible due to lack of trial experience in the courtroom. Preparing to explain a case to a jury has a double benefit – it allows the lawyer to explain it more clearly to the judge during pre-trial motions and shows the judge why the trial will most likely go in the client's favor, thus increasing the prospect of a favorable settlement. Sommers Law, P.C. has a strategic of counsel relationship to BZBM.

Representative Cases

In 2020, Mr. Sommers secured a \$7.9 million judgement in the Eastern District of California in a federal patent infringement case with related copyright and breach of fiduciary duty claims. The case was filed on behalf of an emeritus professor at U.C. Davis Medical School who invented and developed a novel pulsatile insulin method for treating diabetes.

In 2019, Mr. Sommers won a \$4.4 million judgment in San Francisco Superior Court in a legal malpractice matter involving errors in collecting on a commercial judgment for a local apartment developer, including failure to develop evidence that the target defendants had altered computer data and engaged in shell games with their assets.

In 2016, Mr. Sommers represented the inventor of a filtration system for commercial and military helicopters in a dispute with the financing partner. After a two-week bench trial in Marin County, Mr. Sommers and Andrew Schwartz, also of counsel to the firm, settled the case for over \$6 million.

Publications

Thermostats That Testify—Who Knew?
Litigation, Vol. 41, No. 3, 2015

Securing Your Data in a World of Remote Access
Litigation, Vol. 40, No. 3, 2014

The Electric Kool-Aid Judgment Test – Making Your Papers Come Alive
Litigation, Vol. 40, No 1, 2013, Co-author with Rob Bunzel

Winning Your Case Using Visual Grammar
Litigation, Vol. 40, No. 1, 2013, Co-author with Dan Roam

Representing the Anonymous Client
Litigation, Vol. 39, No. 3, 2013

Teachings

Mr. Sommers has taught trial practice in the U.S. and abroad for 20 years. He has taught for the National Institute of Trial Advocacy (“NITA”), USF Law School’s Intensive Advocacy Course, and for the Legal Faculties of St. Petersburg University and Tomsk State University in Russia. He has written on the subjects of First Amendment issues and the internet, as well as trial evidence and advocacy issues, and about data security.