

T. Peter PIERCE

Shareholder

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Peter demystifies the appeals process. A creative advocate, he analyzes a case from every angle to help litigators position the case most effectively for appeal.

Peter represents individuals, businesses, non-profit corporations, and public agencies in appellate courts and trial courts throughout California. He is one of only 135 attorneys admitted to the California Academy of Appellate Lawyers, and is certified as a specialist in appellate law by the State Bar of California.

Peter has been selected by his peers in California 13 times as a Super Lawyer in appellate law. Peter's appellate practice has been recognized by his peers four times in Best Lawyers in America.

WORK FOR CLIENTS

Peter has briefed and argued more than 150 appeals and writs. He represents a diverse group of clients on appeal, including non-profit and for-profit corporations, businesses, entertainment industry talent, medical professionals, real estate investors, local elected officials, and numerous cities in California on a wide range of issues affecting local governments.

PROFESSIONAL EXPERIENCE

Before attending law school, Peter was a radio and television news reporter and copy writer. Immediately following law school, Peter served one year as a law clerk to a federal judge of the United States District Court in New Orleans.

HONORS & AWARDS

Best Lawyers in America, Appellate Law, 2018, 2019, 2020, 2021, 2025

PRACTICE AREAS

Litigation

FOCUS AREAS

Writs & Appeals

EDUCATION

J.D., Tulane University School of Law

M.S., Syracuse University (Journalism)

B.A., Cornell University (Neurobiology)

California Super Lawyers, Appellate Law: 2009-2013, 2015-2024

California Academy of Appellate Lawyers

Certified Appellate Specialist, California State Bar Board of Legal Specialization

PROFESSIONAL AND COMMUNITY AFFILIATIONS

Commission on Judicial Nominees Evaluation (JNE), State Bar of California (2020-2023)

Past Vice-Chair and member, California State Bar Appellate Law Advisory Commission (2011-2014)

Past Chair and member, California State Bar Committee on Appellate Courts (2006-2010)

2018 Co-President and Board of Governors member (2012-2018), LGBT Bar Association of Los Angeles

American Bar Foundation fellow

Lecturer in Law, USC Law School (Spring semesters 2006, 2007, 2008, 2009)

CLERKSHIPS

Law Clerk, Honorable Marcel Livaudais, Jr., United States District Court, New Orleans (1992-1993)

INTERESTS

Peter completed two Ironman 70.3 triathlons in 2015 and 2017. Peter also cycled 545 miles from San Francisco to Los Angeles four times since 2012, raising a total of \$70,000 for the Los Angeles LGBT Center.

EXPERTISE

RECENT APPELLATE VICTORIES

- ▶ ***Old East Davis Neighborhood Assn. v. City of Davis*** (2021) 73 Cal.App.5th 895. Court of Appeal reversed judgment and upheld City approval of mixed-use development project in downtown Davis
- ▶ ***Folsom Police Dept. v. M.C.*** (2021) 69 Cal.App.5th 1052. Court of Appeal reversed order with directions to trial court to hold evidentiary hearing on City of Folsom Police Department's petition to dispose of firearms

- ▶ ***San Luis Obispo Local Agency Formation Commission v. City of Pismo Beach*** (2021) 61 Cal.App.5th 595. Court of Appeal affirmed judgment in favor of City invalidating indemnity agreement required by LAFCO to process annexation application
- ▶ ***City of Redondo Beach v. Padilla*** (2020) 46 Cal.App.5th 902. Court of Appeal held California Voter Participation Rights Act does not require charter cities to consolidate local elections with statewide elections

PUBLISHED DECISIONS (PARTIAL LIST)

- ▶ ***County of Ventura v. City of Moorpark*** (2018) 24 Cal.App.5th 377. Court of Appeal upheld key terms in settlement agreement between City and geologic hazard abatement district
- ▶ ***Santa Clarita Organization for Planning and the Environment v. Abercrombie*** (2015) 240 Cal.App.4th 300. Water agency's decision to acquire water company not invalid because water company general manager previously served on water agency's board; acquisition impliedly exempted from Political Reform Act
- ▶ ***Physicians Committee for Responsible Medicine v. Applebee's International, Inc.*** (2014) 224 Cal.App.4th 166. Notices and certificates of merit did not comply with Safe Drinking Water and Toxic Enforcement Act in absence of knowledge of posted warning signs
- ▶ ***Conejo Wellness Center, Inc. v. City of Agoura Hills*** (2013) 214 Cal.App.4th 1534. First published appellate decision in California squarely holding that cities may ban medical marijuana establishments. Holding later vindicated by California Supreme Court in separate case
- ▶ ***Nordyke v. King*** (9th Cir 2012) 681 F.3d 1041 (en banc). County of Alameda law prohibiting firearms on County-owned property did not violate Second Amendment
- ▶ ***Nordyke v. King*** (9th Cir. 2011) 644 F.3d 776. County of Alameda law prohibiting firearms on County-owned property did not violate First Amendment as applied to gun show promoters
- ▶ ***Joffe v. City of Huntington Park*** (2011) 201 Cal.App.4th 492. Court of Appeal upheld dismissal of inverse condemnation action that was premised on theory of unreasonable pre-condemnation conduct.
- ▶ ***Kay v. City of Rancho Palos Verdes*** (9th Cir. 2007). Damages not available under federal Telecommunications Act regarding provision of mobile services; municipal employees immune from liability in damages
- ▶ ***City of Rancho Palos Verdes v. Abrams*** (2005) 544 U.S. 113. U.S. Supreme Court unanimously held that zoning provisions of Telecommunications Act may not be enforced through action for damages and attorney's fees under 42 U.S.C. sections 1983 and 1988
- ▶ ***City of West Hollywood v. 1112 Investment Co.*** (2003) 105 Cal.App.4th 1134. Vested right to convert residential buildings to condominiums expired, and owners of units required to comply with City's rent control law
- ▶ ***Nordyke v. King*** (2002) 27 Cal.4th 875. California Supreme Court held local law prohibiting firearms on local government property not preempted by California firearms regulations

- ▶ ***Echevarrieta v. City of Rancho Palos Verdes*** (2001) 86 Cal.App.4th 472. City's view preservation ordinance a legitimate exercise of police power, did not work an unconstitutional taking of private property, was not unconstitutionally vague, and did not deprive property owner of due process
- ▶ ***California Rifle & Pistol Assn. v. City of West Hollywood*** (1998) 66 Cal.App.4th 1302. Local ordinance banning sales of Saturday Night Special handguns not preempted by California law
- ▶ ***Private Industry Council v. State of California*** (1997) 57 Cal.App.4th 1290. Court of Appeal invalidated State Employment Development Department directive requiring non-profit job training agency to disgorge state funds if not spent within certain time frame
- ▶ ***Friedman v. City of Beverly Hills*** (1996) 47 Cal.App.4th 436. Court of Appeal interpreted word "and" in state statute to mean "or" such that city could create preferential parking districts for residents only

AMICUS BRIEFS AUTHORED (PARTIAL)

- ▶ ***Teixeira v. County of Alameda*** (9th Cir. 2017) 873 F.3d 670. On behalf of League of California Cities and California State Association of Counties
- ▶ ***Peruta v. County of San Diego*** (9th Cir. 2016) 824 F.3d 919. On behalf of League of California Cities
- ▶ ***People v. Goldsmith*** (2014) 59 Cal.4th 258. On behalf of League of California Cities
- ▶ ***Cemex v. County of Los Angeles*** (9th Cir. 2006). On behalf of League of California Cities
- ▶ ***Boelts v. City of Lake Forest*** (2005) 127 Cal.App.4th 116. On behalf of League of California Cities and several public agencies
- ▶ ***San Jose Christian College v. City of Morgan Hill*** (9th Cir. 2004) 360 F.3d 1024. On behalf of 62 California cities and towns
- ▶ ***Rubin v. City of Burbank*** (2002) 101 Cal.App.4th 1194. On behalf of 34 California cities
- ▶ ***Friends of Mammoth v. Town of Mammoth Lakes Redevelopment Agency*** (2000) 82 Cal.App.4th 511. On behalf of 30 California cities and redevelopment agencies
- ▶ ***Howard Jarvis Taxpayers Association v. City of San Diego*** (1999) 72 Cal.App.4th 230. On behalf of 85 California cities and towns

NEWS

Local Firearms Ordinance Upheld
10.19.2022

"Good Cause" Requirement for Concealed Firearm License Invalidated

06.29.2022

U.S. Supreme Court Reminds Us to Follow Core Principles of Appellate Practice

05.12.2020

Local Regulation of Commercial Firearms Sales Upheld

10.27.2017

PRESENTATIONS

Speaker, Advanced Civil Appellate Conference

Pincus Professional Education Series, 2017, 2018, 2019

Speaker - Preserving and Presenting the Record on Appeal; Moderated roundtable - Biggest Challenges in an Appellate Practice

Advanced Civil Appellate Conference – Pincus Professional Education Series, 2016

Speaker - Presented paper on regulating sober living homes under federal anti-discrimination laws

League of California Cities, City Attorneys Department Meeting, 2016

Speaker - Impact of Federal and California fair housing laws on local zoning issues

State Bar of California, Fair Housing Program, 2016

Speaker - Becoming an Appellate Law Specialist Certified by the California State Bar Board of Legal Specialization

Los Angeles County Bar Association Program, 2015

Speaker - Developments in Second Amendment Case Law

2014

Speaker - Developments in Second Amendment Case Law

Civil Litigation Symposium, 2014

Speaker - Public Law Appeals

Government Law Seminar, Santa Monica, 2014

Speaker - Local Gun Regulation: How Far Is Too Far?

California State Bar Annual Meeting, 2013

Speaker - Housing for Persons with Disabilities: Legitimate Neighborhood Concerns Verses Prejudice and Unlawful Discrimination
Annual Fair Housing and Public Accommodations Symposium, 2013

Speaker - Becoming a Certified Appellate Specialist
2013

Speaker - Presented paper on Regulating Group Homes Without Running Afoul of Federal and State Laws
League of California Cities Annual Meeting, 2012

Speaker - How courts evaluate regulations under the Second Amendment
Law Center To Prevent Gun Violence Annual Conference, Chicago, 09.08.2012

Speaker on several appellate topics during 8-hour program
Civil Appeals: Winning Strategies from Start to Finish - Pincus Professional Education Series, 2011

Speaker on several appellate topics during 6-hour program
Administrative Writs of Mandamus -- Pincus Professional Education Series, 2011

Speaker - Public Law Appeals
California State Bar Annual Meeting, 2010

Speaker on several appellate topics during 7-hour program
The Complete Appeal: Strategies from Start to Finish - Pincus Professional Education Series, 2009

Speaker - Co-presented paper entitled Seven Deadly Sins in a Case Headed for Appeal
2009

Moderator and speaker on several appellate topics during 3-hour segment
The Complete Appeal: Strategies from Start to Finish -- Pincus Professional Education Series, 2008

Speaker - Co-presented paper entitled Seven Deadly Sins in a Case Headed for Appeal
09.08.2008

Speaker - Co-presented paper entitled Seven Deadly Sins in a Case Headed for Appeal
California State Bar Annual Meeting, 2007

Speaker - Administrative Records - Tips and Traps
2006

Speaker - Impact on Cities of Telecommunications Act of 1996
American Planning Association Conference, 2004

PUBLICATIONS

How the U.S. Supreme Court's Concealed Firearm License Ruling Affects Local Governments
Western City Magazine, 11.01.2022

CEB California Civil Writ Practice, contributing author (continuous)

CEB California Civil Appellate Practice, contributing author (continuous)

CEB California Administrative Mandamus, contributing author (continuous)

Litigation and Appeals
Lawyer Monthly, 04.2018

Local Gun Regulation: History, Preemption and the Second Amendment
Public Law Journal, Winter 2013