



## Ben Suter

Ben Suter joined Keesal, Young & Logan in 1982 and has been a shareholder in its San Francisco office since 1987. As an active litigator, Ben focuses on complex litigation, including the defense of financial services firms (broker-dealers, registered investment advisors, banks, hedge funds, underwriters, insurers) and their employees in court, in arbitration, and in regulatory proceedings. As part of his employment practice, Ben frequently defends employers in wage and hour class actions and is active in cases involving claims for discrimination, harassment, defamation, breach of contract, unfair competition and related causes of action, and he will on occasion represent victims of workplace sexual harassment. Ben also defends attorneys in legal malpractice cases involving allegations of wrongdoing related to transactional work, courtroom competence, and professional responsibility. Over the past four decades, Ben has developed substantial litigation and subject matter expertise defending licensed professionals, entrepreneurs, and senior executives in essentially every type of business dispute involving securities, malpractice, trusts, and employment issues.

Ben has handled numerous cases involving Ponzi schemes, public offerings, broker-dealer sales practices, real estate sales, condominium developments, sales of businesses, dissolution of partnerships, and the like, predicated on claims of fraud, breach of fiduciary duty, bad faith conduct, elder abuse, unfair business practices, negligence, and related statutory claims under federal and state laws. Ben has defended over 60 class actions, “mass” actions, and private attorney general actions involving claims under various federal and state securities laws and consumer protection laws, including a complex municipal bond class action that proceeded to a jury trial in federal court (see *Cromeans v. Morgan Keegan & Co.*, 859 F.3d 558 (8th Cir. 2017)). Ben recently defeated class certification in a purported nationwide securities class action that challenged the suitability of asset transfers from broker-dealer commission accounts to registered investment advisor fee-based accounts (*Nguyen v. Raymond James & Assocs.*, 2022 U.S. Dist. LEXIS 187653 (M.D. Fla 2022)).

Ben has also tried or arbitrated to conclusion approximately 100 cases in California, New York, Hawai'i, Arizona, Minnesota, and Oregon. Those cases included jury trials and bench trials in federal and state courts, and arbitrations before the Financial Industry Regulatory Authority (“FINRA”), the New York Stock Exchange (“NYSE”), the National Association of Securities Dealers (“NASD”), the Pacific Stock Exchange (“PSE”), the American Arbitration Association (“AAA”), Judicial Arbitration and Mediation Services (“JAMS”), and the Commodities Futures Trading Commission (“CFTC”). Ben represents securities clients in a variety of regulatory matters brought by the U.S. Securities and Exchange Commission (“SEC”), by State Securities Regulators, and by FINRA’s Department of

Enforcement, many of which involve cutting edge legal issues affecting the securities industry. In addition, Ben has obtained client vindication before FINRA's National Adjudicatory Council ("NAC"). Ben has also handled cases in Alaska, Florida, Missouri, Nevada, New Jersey, Texas, Guam, and Saipan, and has successfully argued appellate cases at the Ninth Circuit Court of Appeals, at the California Court of Appeal, and at the Hawai'i Supreme Court.

In recent years, Ben has successfully represented numerous homeowners in court who lost everything in Northern California wildfires, and thereafter learned that their insurers and agents had failed to procure adequate insurance as promised, resulting in the homeowners being severely underinsured and unable to rebuild their homes or their lives without legal assistance. Ben has volunteered his time and expertise to *United Policyholders*, a non-profit organization that advocates for insureds throughout the United States, and has provided *pro bono* services to fire victims.

Ben was recognized by *Best Lawyers in America* (2024 Edition) as one of the top appellate law practitioners in Northern California. He was selected in 2023 and 2024 as one of the *500 Leading Litigators in America* by Lawdragon. Ben was selected by his peers for a dozen consecutive years and thereafter as being among the top five percent of all Northern California attorneys, as recognized by Thomson Reuters' *Super Lawyers Magazine*. Ben has been a biographee in multiple *Who's Who* publications for several decades and is a 2017 *Lifetime Achievement* Inductee.

For years, Ben was a Senior Contributing Editor for the Securities Arbitration Commentator's Securities Litigation Alert and provided weekly analyses and commentary for the publication. In 2017, Lawdragon published a profile on Ben's career in its Lawyer Limelights series. ([View Lawdragon Profile.](#)) Ben has also participated in California Lawyer's Roundtable Series on class actions that addressed the continued evolution of class action jurisprudence in the wake of recent U.S. Supreme Court and federal appellate court decisions.

Ben has served as a panelist and/or speaker on presentations to FINRA and to the IBC Mutual Fund Compliance Conference, and has made numerous legal and compliance presentations to Wall Street management and employees. He is a member of the Securities Industry and Financial Markets Association ("SIFMA") Legal & Compliance section and has served as an arbitrator for the National Futures Association ("NFA").

As a dual citizen of the United States and Switzerland, Ben grew up in California and in Europe. After attending schools in France, Switzerland, and Austria, Ben attended the University of California, Santa Barbara where he obtained his B.A. in philosophy in 1978. He graduated from the University of California, Hastings College of the Law in 1982, after serving as Articles Editor for the *Hastings Constitutional Law Quarterly*. Ben is a member of the State Bars of California (1982), Arizona (1983), and Hawai'i (1984). He is also admitted to practice before the United States Supreme Court (1987), as well as the United States Court of Appeals for the Ninth Circuit (1982) and the Eighth Circuit (2013), and all of the United States District Courts in California, Arizona, and Hawai'i. Ben has held a California Real Estate Broker license since 1986.

## Speaking Engagements

- Participated in California Lawyer's Roundtable Series on class actions that addressed the continued evolution of class action jurisprudence in the wake of recent U.S. Supreme Court and federal appellate court decisions.

- Panelist and/or speaker on presentations to FINRA and to the IBC Mutual Fund Compliance Conference.
- Has made numerous legal and compliance presentations to Wall Street management and employees.

## Position

Shareholder

## Recognitions

- Biographee in various Who's Who publications for the past two decades and is a 2017 Lifetime Achievement Inductee
- Selected to Northern California Super Lawyers List (Thomson Reuters) for over a dozen consecutive years (a designation limited to 5% of attorneys in a geographic region)

## Publications

- A Senior Contributing Editor for the Securities Arbitration Commentator's Securities Litigation Alert and provides weekly analyses and commentary for the publication.
- Lawyer Limelight: Ben Suter (linked here) (August 20, 2017), Lawdragon

## Results

Cases handled by Ben include the following:

- Wells Fargo Bank, N.A. v. Lacuesta, 139 Haw. 559 (Haw. Ct. App. 2017)
- March v. Mortg. Elec. Registration Sys., 659 F. App'x 383 (9th Cir. 2016)
- Lord Abbett Mun. Income Fund, Inc. v. Asami, 653 F. App'x 553 (9th Cir. 2016)
- Cromeans v. Morgan Keegan & Co., 2016 U.S. Dist. LEXIS 92885 (W.D. Mo. 2016)
- McClellan v. Chase Home Fin. LLC, 2015 U.S. Dist. LEXIS 118005 (C.D. Cal. 2015)
- Mortg. Elec. Registration Sys. v. Wise, 135 Haw. 218 (Haw. Ct. App. 2015)
- Cromeans v. Morgan Keegan & Co., 303 F.R.D. 543 (W.D. Mo. 2014)
- Hagan v. U.S. Nat'l Bank, 2014 U.S. Dist. LEXIS 154001 (D. Haw. 2014)
- Cromeans v. Morgan Keegan & Co., 69 F. Supp. 3d 934 (W.D. Mo. 2014)
- Cromeans v. Morgan Keegan & Co., 1 F. Supp. 3d (W.D. Mo. 2014)
- Wegesend v. Envision Lending Grp., Inc., 2014 U.S. Dist. LEXIS 60219 (D. Haw. 2014)
- Rikuo Kotsu Co. v. Ball, 2013 Cal. App. LEXIS 6757 (Cal. App. 2013)
- Stone & Youngberg, LLC v. Kay Family Revocable Trust, 500 F. App'x 669 (9th Cir. 2012)
- Kimble v. Rhodes College, Inc., 2011 U.S. Dist. LEXIS 59628 (N.D. Cal. 2011)
- Hillside Drilling Inc. v. Goldman Sachs Grp., 2009 U.S. Dist. LEXIS 64595 (N.D. Cal. 2009)
- Vivendi S.A. v. T-Mobile USA, Inc., 586 F.3d 689 (9th Cir. 2009), aff'd, 2008 WL 2345283 (W.D. Wash. 2008)
- IATSE Local 33 Section 401(k) Plan Bd. of Trs. v. Bullock, 2008 U.S. Dist. LEXIS 96939 (C.D. Cal. 2008)
- In re Quintus Sec. Litig., 2006 U.S. Dist. LEXIS 99466 (N.D. Cal. 2006)
- Citigroup Global Mkts. v. Williamson, 2006 Cal. App. Unpub. LEXIS 2476 (Cal. App. 2006)
- In re McKesson HBOC, Inc. Sec. Litig., 2005 U.S. Dist. LEXIS 7098 (N.D. Cal. 2005)
- Lippitt v. Raymond James Fin. Services, Inc., 340 F.3d 1033 (9th Cir. 2003)
- Herman v. Salomon Smith Barney, Inc., 266 F. Supp. 2d 1208 (S.D. Cal. 2003)
- Jordan v. Cal. Dep't of Motor Vehicles, 100 Cal. App. 4th 431 (2002)

- Bear, Stearns & Co. v. Buehler, 23 F. App'x 773 (9th Cir. 2001)
- Myers v. Merrill Lynch & Co., 249 F.3d 1087 (9th Cir. 2001)
- In re McKesson HBOC, Inc. Sec. Litig., 126 F. Supp. 2d 1248 (N.D. Cal. 2000)
- Lagatree v. Luce, Forward, Hamilton & Scripps, 74 Cal. App. 4th 1105 (1999)
- Shearson Lehman Bros., Inc. v. Greenberg, 1993 WL 144856, 1995 Fed. Sec. L. Rep. (CCH) ¶ 97,409 (C.D. Cal. 1993), aff'd, 60 F.3d 834 (9th Cir. 1995)
- Glavor v. Shearson Lehman Hutton, Inc., 879 F. Supp. 1028 (N.D. Cal. 1994), aff'd, 89 F.3d 845 (9th Cir. 1996)
- Franklin v. Kaypro Corp., 884 F.2d 1222 (9th Cir. 1989)
- Levine v. Diamantheset, Inc., 722 F. Supp. 579 (N.D. Cal. 1989)
- Hamilton v. Shearson-Lehman Am. Express, Inc., 813 F.2d 1532 (9th Cir. 1987)
- Takiguchi v. Podorean, 1987 WL 256442, 1987 Fed. Sec. L. Rep. (CCH) ¶ 93,319 (Haw. 1987)
- Unioil, Inc. v. E.F. Hutton & Co., 809 F.2d 548 (9th Cir. 1986)
- Shearson Loeb Rhoades, Inc. v. Quinard; Wager Bay, N.V. v. Shearson/American Express, Inc., 751 F.2d 1102, 40 Fed. R. Serv. 2d 1426 (9th Cir. 1985)
- Flexivan Leasing, Inc. v. M/V C.C. San Francisco, 628 F. Supp. 1077 (C.D. Cal. 1985)
- Geller & Nasser, 1985 Fed. Sec. L. Rep. (CCH) ¶ 92,227 (C.D. Cal. 1985).

## Admissions

- California (1982)
- Arizona (1983)
- Hawaii (1984)
- All United States District Courts in California
- All United States District Courts in Arizona
- All United States District Courts in Hawaii
- United States Court of Appeals for the Eighth Circuit (2013)
- United States Court of Appeals for the Ninth Circuit (1982)
- Supreme Court of the United States (1987)

## Other licenses:

- California Real Estate Broker license (1986)

## Education

- J.D., University of California, Hastings College of the Law (1982). While in law school, Ben served as Articles Editor of the Hastings Constitutional Law Quarterly.
- B.A. (philosophy), University of California, Santa Barbara (1978).

## Practice Areas

- [Appellate](#)
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- [Consumer and Business Lending Litigation](#)
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