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Top 100 Lawyers AND DISTINGUISHED COUNSEL



ROBERT A. VAN NEST

KEKER, VAN NEST & PETERS LLP
LITIGATION
SAN FRANCISCO

Bob Van Nest has spent decades explaining complicated techno-logy to judges and juries — from Qualcomm and Intel chips to Android phones and Google's advertising systems.

Artificial intelligence, he said, is different.

"AI is one of these transformative technologies," said Van Nest, a name partner at Keker, Van Nest & Peters. "The models are fundamentally so new and different that they're harder to understand."

That presents a new challenge for a lawyer whose career has included some of Silicon Valley's biggest courtroom battles. Van Nest, whose firm represents both OpenAI and Anthropic, said AI technology is more difficult to explain to jurors than even the complex technologies at issue in earlier generations of intellectual property litigation.

He compares the transition to moving from college sports to the pros: "It's a whole different game."

The stakes have changed, too.

Van Nest recalled Oracle seeking $9 billion from Google in their landmark copyright fight over Android. That was an enormous financial threat, he said, but AI litigation can implicate something broader: how the technology itself develops.

"A lot of the plaintiffs want to, and the governments want to, either limit, dramatically limit AI, or tax it, or impose huge restrictions on it," he said. "So I think in the case of AI, the stakes are more than just financial."

Van Nest's practice extends well beyond AI. He recently finished a three-week bench trial before U.S. District Judge Beth Labson Freeman in San Jose involving the 2023 collapse of Silicon Valley Bank. Van Nest represents the bank's former holding company in its effort to recover a $17 million deposit from the Federal Deposit Insurance Corp.

The case also illustrated something Van Nest considers essential to the future of Keker: getting younger lawyers into court.

Senior and midlevel associates handled witnesses during the trial, including lawyers with four to eight years of experience.

"There are a lot of people here that can be the next Bob Van Nest," he said. "What they need is the same thing that I needed and got. They need opportunities."

Trials remain the firm's "bread and butter," Van Nest said. The firm is frequently brought into high-stakes cases midway through litigation or shortly before trial when settlement appears unlikely and clients decide they need experienced trial counsel.

"For me to have three or four very significant IP trials in a year is not that unusual," he said.

At the same time, Van Nest is devoting substantial attention to litigation far removed from billion-dollar technology disputes.

The firm is handling about a dozen pro bono cases challenging Trump administration policies involving immigration enforcement, elections, sanctuary cities and civil rights. Van Nest pointed to litigation over conditions at the California City immigration detention facility, where the firm helped persuade U.S. District Judge Maxine Chesney to appoint a monitor.

Van Nest described that work simply as "righteous."

He said the firm's willingness to take those cases reflects something he values deeply about what he and John Keker built. As a litigation-only firm without a transactional practice, the firm has fewer institutional pressures when deciding whom to represent — or challenge.

"We're not beholden to anyone," Van Nest said. "It gives us a certain freedom to choose our clients and choose our adversaries."

That independence has become particularly meaningful to him as some large law firms have pulled back from litigation challenging the Trump administration.

"I'm very, very proud of what we built," Van Nest said, "very, very proud of the fact that we're willing to fight the government, stand up for rule of law."

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