

# Alexander Westerfield

Partner | San Francisco

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Alex Westerfield has represented public agencies, businesses, and individuals as plaintiffs and defendants in a wide range of federal and state proceedings. Alex has particular expertise in helping public agencies and businesses navigate complex statutory schemes in areas of intense public scrutiny, such as pension reform implementation, elections and wildfire cleanup, and Alex frequently litigates such matters on expedited or emergency bases.

Alex currently represents several pensions, benefits & investments systems throughout California in litigation and administrative proceedings stemming from their implementation of the Public Employees' Pension Reform Act. These proceedings concern the statutory and/or constitutional entitlement to certain benefit items and the discretion of retirement boards to update previous policies. Alex has likewise handled funding disputes between public retirement systems and their participating employers.

Alex also has represented businesses and entrepreneurs in a number of commercial disputes, and has successfully obtained dismissal of a putative eight-figure RICO class action against a federal subcontractor stemming from cleanup work after a wildfire. He has likewise helped entrepreneurs regain control over their small businesses or to secure appropriate compensation upon their exit.

Before joining Nossaman, Alex worked at a boutique firm representing whistleblowers in False Claims Act cases and in proceedings before federal financial regulatory agencies. While there, he also helped to shape whistleblower law and policy through legislative and regulatory advocacy.

Alex clerked for the Honorable Rya Zobel, District Judge of the United States District Court for the District of Massachusetts in Boston.

## EXPERIENCE

**Public Pension Systems Benefits Litigation.** Represents several California retirement systems and agencies in litigation and administrative proceedings related to the implementation of the Public Employees' Pension Reform Act. Obtained several administrative determinations affirming exclusion of several pay items.

**Public Pension Systems Funding Litigation.** Represents California retirement agency in funding dispute with participating employer. Obtained summary judgment affirming agency's authority to follow actuarially-sanctioned funding methodology.

**Elections Litigation.** Represented ballot measure proponents in litigation on an issue of first impression—whether municipal initiative proponents must reside in municipality in which initiative is proposed.

**Water Rights Litigation.** Represented Southern California water district in years-long, high-profile dispute related to private appropriation of public water resources. Settled on favorable terms to client.

**Construction Litigation.** Represents Southern California public entity in litigation concerning defective construction of bridge.

**Insurance Coverage Litigation.** Represented healthcare provider in arbitration concerning insurance coverage of dialysis services and bad faith denial of coverage. Favorably resolved bulk of case on summary judgment and settled on favorable terms to client.

## INSIGHTS

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### PUBLICATIONS

Co-Author, "California Supreme Court Grants Review of First Post-*Alameda* Decision on Compensation Earnable Restrictions — *Amicus Curiae* Briefs Due August 2024," *Nossaman eAlert*, 04.22.2024

Co-Author, "Court of Appeal Ends Decade-Long Dispute and Upholds Board's Fiduciary Decisions Regarding Funding of Retirement System," *Nossaman eAlert*, 04.01.2024

Co-Author, "**UPDATE:** Retirement Board's Limits on Inclusion of "Straddled" Leave Cashouts in Retirement Allowance Determinations Affirmed by Second DCA," *Nossaman eAlert*, 01.19.2024

Co-Author, "Felony Forfeitures Statutes Tested Again: A Tale of Two States' Pension Reform Statutes—One Forfeiture Survives and One Does Not," *Nossaman eAlert*, 09.28.2023

Co-Author, "Untangling the Web of County Employees Retirement Law Rules on Disability Retirement and Reciprocity," *Nossaman eAlert*, 02.03.2023

### SPEAKING ENGAGEMENTS

Speaker, "Fiduciary Litigation Against Defined Benefit, Defined Contributions and Hybrid Plans Nationally and How Fiduciaries May Mitigate Those Risks," Nossaman's 2023 Pensions, Benefits & Investments Fiduciaries' Forum, San Francisco, CA and Los Angeles, CA, 10.05.2023 and 10.30.2023

Speaker, "Litigation Against Public Retirement Systems: What Are The Trends & How Do Fiduciaries Prepare?," Nossaman's 2022 Public Pensions & Investments Fiduciaries' Forum, Los Angeles, CA, 10.17.2022 – 10.18.2022

Speaker, "Litigation Impacting the Operation of Public Pensions Systems," Nossaman's 2021 Public Pensions & Investments Fiduciaries' Forum, 12.06.2021 – 12.07.2021

Speaker, "Litigation Impacting the Operation of Public Pensions Systems," Nossaman's 2020 Public Pensions & Investments Fiduciaries' Forum, 09.30.2020 - 10.02.2020

## COMMUNITY & PROFESSIONAL

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National Association of Public Pension Attorneys, Member

## PRACTICES

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Government & Administrative Law  
Pension Plan Litigation  
Class Actions & Multi-District Litigation  
Commercial Litigation  
Litigation

Trial Practice  
Appellate Practice  
Construction Law, Claims & Litigation  
Water Litigation  
Fiduciary  
Pensions, Benefits & Investments  
Retirement & Welfare Plan Benefits

## INDUSTRIES

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Government & Public Sector  
Energy & Utilities

## EDUCATION

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Stanford Law School, J.D., 2013  
Syracuse University, B.A., 2007

## ADMISSIONS

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California