Cooley

Koji Fukumura

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San Diego

Securities Litigation + Enforcement
National Security
Crisis Management
Activism Defense
Israel
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Koji focuses on complex commercial litigation, including the defense of securities class actions, derivative suits, M&A-related class actions and government investigations. He also regularly conducts internal investigations for boards, as well as for their audit or special litigation committees. Chambers USA has noted Koji as “practical, business-savvy and strategic,” with “great advocacy skills” and a “wonderful leadership presence.” Koji is a former member of Cooley’s board of directors and a past chair of the firm’s securities litigation practice. He also is a past chair of the American Bar Association’s Litigation Section and an immediate-past member of the ABA’s Board of Governors, along with its Audit and Finance Committee and Standing Committee on Audit.

Koji has defended 100+ shareholder representative matters, including securities class actions, derivative suits, M&A class actions and breach of fiduciary duty class actions. He has briefed and argued appeals before the Second, Third, Sixth, Eighth and Ninth US circuit courts. His practice includes representing companies such as Qualcomm, Illumina, GNC Holdings, IonQ, FIGS, Dexcom, Horizon Therapeutics, Tandem Diabetes, GoDaddy and The Honest Company.

Koji frequently leads internal investigations for boards and their audit or special committees. He also counsels public companies, directors, officers and principal shareholders on a wide range of issues relating to corporate governance, antitrust/unfair competition, the Foreign Corrupt Practices Act (FCPA), Securities and Exchange Commission (SEC) and Financial Industry Regulatory Authority (FINRA) enforcement, insider trading, and disclosure obligations under – and compliance with – federal and state securities laws.

Koji’s representative matters include securing victory for:

- **Qualcomm** at the trial court level in a securities class action alleging that the defendants made misstatements about working in good faith to negotiate a potential sale of the company to Broadcom, and obtaining, after oral argument, a unanimous decision from the Ninth Circuit affirming the district court’s dismissal
- **GNC** at the trial court level in a securities class action alleging that the company made false or misleading statements regarding certain nutritional supplements that allegedly contained ingredients that could not lawfully be sold in the US, and obtaining, after oral argument, a unanimous decision from the Eighth Circuit affirming the district court’s dismissal
- **Horizon Therapeutics** at the trial court level in a securities class action brought in relation to the

company's patient assistance programs, and convincing the plaintiff to abandon its appeal to the Second Circuit

- **Eagle Pharmaceuticals** at the trial court level in a securities class action alleging that the company made misleading statements regarding its anticoagulant drug in the Food and Drug Administration (FDA) approval process, and convincing the plaintiff to abandon its appeal to the Third Circuit
- **Stratasys** at the trial court level in a securities class action alleging that the defendants made false or misleading statements regarding a subsidiary's release of new fifth-generation (5G) 3D printers, and obtaining, after oral argument, a unanimous decision from the Eighth Circuit affirming the district court's dismissal
- **Qualcomm** at the trial court level in a securities class action alleging that the defendants made false or misleading statements about its Snapdragon 810 chip, and obtaining a unanimous decision from the Ninth Circuit affirming the district court's dismissal
- **Celladon** at the trial court level in a securities class action alleging that the defendants misled investors concerning its clinical trials for Celladon's leading drug candidate, and obtaining, after oral argument, a unanimous decision from the Ninth Circuit affirming the district court's dismissal

Koji is a past chair of the ABA's Litigation Section, as well as a former member of the Litigation Section's Executive Committee and Governing Council. He also is a former co-chair of the Litigation Section's Securities Litigation Committee and served as co-chair of that committee's SEC Enforcement Subcommittee. Koji was appointed as one of two Ninth Circuit representatives for the ABA's Standing Committee on the Federal Judiciary. He is a member of the National Asian Pacific American Bar Association, serving on its executive committee in 2005 and as regional governor from 2001 to 2004. In addition, Koji is on the board of trustees for the Japanese American National Museum and is a council leader for the US-Japan Council (along with serving on the council's audit committee).

Speaking engagements

Koji has lectured on, written about and appeared on numerous programs discussing a variety of litigation-related issues, including the following:

- Corporate Fraud Seminar, University of Southern California Gould School of Law, April 2020 – April 2024 (with Darren Robbins)
- "Hot Developments in the Challenging World of D&O Insurance," ABA Insurance Coverage Litigation Committee, Tucson, Arizona, March 2024
- Securities Litigation Update, 2024 Professional Liability Underwriting Society (PLUS) D&O Symposium, New York, New York, March 2024
- "Securities Class Action and Shareholder Litigation," Northwestern Pritzker School of Law 51st Annual Securities Regulation Institute, Coronado, California, January 2024
- Cambridge Forum on Securities Litigation (steering committee), 2020 – 2024
- "Life Sciences IPO Trends and Litigation," Marsh, June 2021
- "D&O Trends in 2021: Hard Market, COVID-19 and Other Factors Impacting Life Sciences Companies," J.P. Morgan Healthcare Conference, January 2021
- "Securities Class Action and Shareholder Litigation: Key Developments and Trends," Northwestern Pritzker School of Law 48th Annual Securities Regulation Institute, January 2021
- "Best Practices for Video Mediation," FedArb webinar, September 2020 (with Judge Layn Phillips)
- "Welcome to the Future of Securities Litigation," 2020 PLUS D&O Symposium, New York, New York, February 2020 (with Darren Robbins)
- "SEC Enforcement Update," ABA Corporate Counsel CLE Seminar, Palm Springs, California, February 2018
- "How Will the Judiciary Help Shape Trump's Legacy?" 2018 PLUS D&O Symposium, New York, New York, January 2018
- "Role of Lawyers in Adversarial Disputes," ABA/Vietnam Bar Program, Hanoi, Vietnam, January 2018

A list of Koji's additional speaking engagements can be provided on request.

Education

Temple University James E. Beasley School of Law JD, 1993

University of Colorado at Boulder BA, English Literature, 1989

University of Colorado at Boulder BA, Molecular, Cellular and Developmental Biology, 1989

Admissions & Credentials

California

Colorado

Pennsylvania

Court Admissions

US District Court for the Central District of California

US District Court for the Eastern District of California

US District Court for the Northern District of California

US District Court for the Southern District of California

US District Court for the Eastern District of Pennsylvania

US District Court for the Middle District of Pennsylvania

US District Court for the District of Colorado

Rankings & Accolades

Chambers USA: Securities Litigation – California – Band 1 (2016 – 2026)

The Legal 500 US: Leading Lawyer in Securities Litigation – Defense (2016 – 2026)

Forbes: America's Top 250 Lawyers (2025)

Best Lawyers in America: Lawyer of the Year for Litigation – Mergers and Acquisitions – San Diego (2024,2027)

Best Lawyers in America: Lawyer of the Year for Bet-the-Company Litigation – San Diego (2023,2027)

Best Lawyers in America: Lawyer of the Year for Securities Litigation – San Diego (2013, 2019 and 2024)

Best Lawyers in America: Lawyer of the Year for Litigation – Mergers and Acquisitions – San Diego (2012 – 2014, 2018, 2019, 2021 and 2023)

Best Lawyers in America: Leading Lawyer for Commercial Litigation (2009 – 2027); Securities

Litigation (2009 – 2027); Litigation – Mergers and Acquisitions (2012 – 2027); Litigation – Regulatory Enforcement (2012 – 2027); Mass Tort Litigation/Class Actions (2020 – 2027); and Bet-the-Company Litigation (2023 – 2027)

Benchmark Litigation: California Litigation Star (2010 – 2024); National Litigation Star (2024)

Benchmark Litigation: San Diego Lawyer of the Year (2019 – 2022)

Southern California Super Lawyers: Top 10 Lawyers in San Diego (2016, 2020 – 2024)

Southern California Super Lawyers: Top 50 Lawyers in San Diego (2009 – 2013, 2015 – 2024)

Southern California Super Lawyers: Leading Lawyer for Securities Litigation (2007 – 2024)

Memberships & Affiliations

US Supreme Court Historical Society, trustee

US-Japan Council

American Bar Association (ABA)

American Bar Foundation

American Business Trial Lawyers Association

American Inns of Court

Federal Bar Association

Japanese American National Museum

National Asian Pacific American Bar Association

Pan Asian Lawyers of San Diego

San Diego County Bar Association

Southwest Center for Asian Pacific American Law

Lawyers Committee for Civil Rights Under Law