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TOP WHITE COLLAR LAWYERS 2022



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Melinda L. Haag is the co-chair of the Paul Weiss white collar & regulatory defense group, and she has more than three decades of experience handling white collar litigation and investigations—including five years as the U.S. attorney in San Francisco.

She doesn't like to talk about her white collar cases or the people and companies she defends, however. After all, those cases are "among the worst moments of the professional lives of the people that we're representing, even when we prevail," including for the executives of a company under investigation even when the individuals are not themselves targets.

One case she is proud to highlight is her and team's defense victory in her most recent criminal trial. They defended a Jawbone executive charged with criminal theft of trade secrets after moving to *Fitbit*. *U.S. v. Mogal*, 5:18-cr-00259 (N.D. Cal., June 14, 2018).

"Having that client acquitted was very special for us professionally," she said. "What tempers that is that it was by definition a terrible experience for the client, probably one of their biggest nightmares."

Besides representing clients in numerous confidential criminal and near-criminal investigations, Haag is also increasingly being brought in on civil litigation. "More and more of our work really is entirely civil, and most often, it's because it looks like [a case] that may go to trial."

Sometimes, she and her group are asked to take over a case about to go

to trial from another firm. Something like that happened in 2018 when she was brought in about six months after another firm had seen a class action certified against a mortgage servicing company. This August, Haag and her team reversed that certification. *Weiner v. Ocwen Financial Corp.*, 2:14-cv-02597 (E.D. Cal., filed Nov. 5, 2014).

The victory turned on a June 2021 Supreme Court decision narrowing class membership. Suddenly, many of the people in the class didn't seem to qualify. Moving for decertification "was a little creative, but we thought it was absolutely called for ... and the District Court agreed," she said. The ruling is now on appeal.

Also in August, she and a Paul Weiss team that included securities litigator Audra J. Soloway won the dismissal of a potential class action against PayPal and some executives alleging problems with the company's regulatory disclosures.

In a matter she can't discuss, Haag represents a large company facing potential litigation by several state attorneys general. Enforcement actions by groups of attorneys general are increasing, she said.

It is challenging to negotiate a resolution "when you're across the table from ... 10 regulators," Haag said, particularly if there is also a federal law aspect to the case. "It's like playing three-dimensional chess," she said.

— DON DEBENEDICTIS