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Melinda L. Haag

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San Francisco

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Litigation
White Collar Defense

After almost 35 years as a litigator, more than a third of that as a federal prosecutor, Melinda Haag has no reluctance about going to trial. She has led or co-led more than 20 of them.

So she is particularly pleased to be at Paul Weiss, where she is the co-chair of its white collar and regulatory defense group. The firm is “a go-to litigation destination,” Haag said. “When a company or client has the most sticky, difficult, complex issue, they think to call this firm.”

And sometimes they call only when trial is imminent.

Haag said she doesn’t mind taking on a case late. “There’s something very freeing about coming in as trial counsel,” she said. “On the one hand, you’re stuck with what’s happened before.” On the other hand, knowing exactly what is in the record and who the witnesses are forces the lawyers to stay focused and be creative.

That happened when she and her team were retained in October last year to defend an accounting software company against a 3-year-old securities class action with a trial date in May. *Roberts v. Zuora Inc.*, 3:19-cv-03422 (N.D. Cal., filed June 14, 2019).

“We worked really, really hard over the course of about six months,” she said. The trial date was moved to October, but the two sides reached a settlement in April. “We felt like we had a very strong case.”

Her most recent trial was winning the acquittal of a former Jawbone executive accused of stealing trade secrets upon

moving to Fitbit. The jury returned its not guilty verdict in early February 2020. *U.S. v. Mogul*, 5:18-cr-00259 (N.D. Cal., June 14, 2018).

“We finished the trial, and the world came to a screeching halt,” Haag said. “If we hadn’t gotten to trial when we did, [the defendant] probably wouldn’t have gone to trial for two years ... and would have had to live with that over her head all that time.”

Her next trial will be in November defending a class action against a mortgage company over its fees. She had won a dismissal but following a U.S. Supreme Court ruling in a different case, the trial judge reinstated the litigation. *Weiner v. Ocwen Financial Corp.*, 2:14-cv-02597 (E.D. Cal., filed Nov. 5, 2014).

Now, she is the lead counsel for Amazon in a lawsuit filed by the District of Columbia over how the retail giant handles tips given to delivery drivers. The claims mirror ones brought by the FTC in a matter the company settled in 2020. Given that settlement, “everything’s been taken care of,” Haag said. “There’s nothing to remedy here.” *District of Columbia v. Amazon.com, Inc.*, 2022-CAB-005698 (D.C. Super. Ct., filed Dec. 7, 2022).

She also handles more than a few confidential investigations and pre-litigation matters. “We’ve got some really wild stuff going on right now” that she can’t discuss, she said. “This is how my family feels. ... They ask how my day was, and I say, ‘I wish I could tell you.’”

— Don DeBenedictis