

WILSON SONSINI

Mark R. Yohalem

PARTNER

Litigation
Los Angeles

mark.yohalem@wsgr.com
323-210-2958



FOCUS AREAS

Commercial Litigation
Litigation
State Attorneys General
Strategic Risk and Crisis
Management
Supreme Court and
Appellate
Trial

HIGHLIGHTS

- Extensive Experience**
Mark has argued over 50 appeals, including in ten- and nine-figure matters, and has conducted multiple jury trials and complex litigations.
- National Reputation**
Described in *Chambers USA* as “an incredibly talented and gifted” lawyer who is “wonderful strategically” and “truly excels in storytelling and advocacy,” Mark is an elected fellow of the American Academy of Appellate Lawyers and has received numerous commendations from the Anti-Defamation League, the Supreme Court of Thailand, the FBI, the Department of Defense, the ATF, the *Daily Journal*, *Law360*, and the Federal Bar Association.
- Community Leadership**
Mark served as a member of the Los Angeles Police Commission’s Advisory Committee on Building Trust and Equity, and the Deputy Chief of Appeals in the Los Angeles U.S. Attorney’s Office. He also serves on the boards of the Association of Business Trial Lawyers and Neighborhood Legal Services of Los Angeles.

EXPERIENCE

Mark Yohalem is co-chair of Wilson Sonsini’s complex litigation practice and a partner in the firm’s Los Angeles office. Recognized by *Chambers USA* for his “rare ability to convert brilliant analysis of extremely complex business cases into clear and simply stated briefs and oral arguments,” Mark has argued over 50 appeals in federal and state court, twice before en banc panels of the Ninth Circuit, and has successfully conducted jury trials involving public corruption and other federal offenses.

Before joining Wilson Sonsini, Mark was a litigation partner in the Los Angeles office of Munger Tolles & Olson LLP. He previously served as the Deputy Chief of Appeals at the U.S. Attorney’s Office (USAO) for the Central District of California. As a federal prosecutor, he worked on many of the USAO’s highest-profile matters, including the well-publicized dispute between Apple and the Federal Bureau of Investigation regarding the unlocking of the iPhone belonging to one of the terrorists in the 2015 mass shooting in San Bernardino, California.

Mark has received numerous accolades over his career. He has been recognized as a “Top 100 Lawyer” by the *Daily Journal*, a “Legal Lion” by *Law360*, and one of the “Leading Litigators in America” by *Lawdragon*, and he is listed in *The Best Lawyers in America*. He is an elected member of the American Academy of Appellate Lawyers and the California Academy of Appellate Lawyers, and serves on the board of the Association of Business Trial Lawyers. In 2020, he was appointed to the Los Angeles Police Commission’s Advisory Committee on Building Trust and Equity, a group created to develop police reforms in Los Angeles. He has also received commendations from the Anti-

Defamation League, the Supreme Court of Thailand, the FBI, the Department of Defense, the Bureau of Alcohol, Tobacco, Firearms and Explosives, and the Federal Bar Association.

Mark has delivered lectures at the Supreme Court of Thailand and the U.S. Supreme Court, and he has taught appellate advocacy, cyberlaw, and jury selection at the National Advocacy Center, the USC Gould School of Law, the Los Angeles U.S. Attorney's Office, and American Bar Association conferences. He regularly publishes and speaks about appellate advocacy and recent appellate decisions. Alongside his legal career, Mark is a prolific author. He has written stories for many award-winning computer games and has published dozens of short stories. He also penned two episodes of an animated children's television show.

Following law school, Mark served as a law clerk for Justice Anthony M. Kennedy of the U.S. Supreme Court and Judge Pamela A. Rymer of the U.S. Court of Appeals for the Ninth Circuit.

CREDENTIALS

Education

- J.D., Harvard Law School, 2005
Magna Cum Laude; Notes Editor and Developments in the Law Chair, Harvard Law Review; First Place, Williston Competition
- B.A., Dartmouth College, 2002
Magna Cum Laude, Phi Beta Kappa, Rufus Choate Scholar

Associations and Memberships

- Fellow, American Academy of Appellate Lawyers
- Member, California Academy of Appellate Lawyers
- Board Member, Association of Business Trial Lawyers
- Board Member, Neighborhood Legal Services of Los Angeles
- Former Member, Los Angeles Police Commission's Advisory Committee on Building Trust and Equity
- Former Trustee, Friends of the Los Angeles County Law Library

Honors

- Recognized as a leading appellate litigator by *Chambers USA: America's Leading Lawyers for Business*
- Named among the *Daily Journal's* "Top 100 Lawyers"
- Named among *Lawdragon's* "500 Leading Litigators in America"
- Named a "Legal Lion" by *Law360*
- Recognized in *The Best Lawyers in America* (Appellate)
- Received the Helene and Joseph Sherwood Prize for Combating Hate from the Anti-Defamation League
- Recognized among the "Top 40 Under 40" in California by the *Daily Journal* in 2018
- Received the "Younger Federal Lawyer" award from the Federal Bar Association

Admissions

- State Bar of California

MATTERS

Select Representations

- Major internet platforms and technology companies in federal and state appellate and trial courts in matters involving tens of millions of dollars in claims, establishing critical limits on liability via Section 230 of the Communications Decency Act, the Digital Millennium Copyright Act, the Lanham Act, and underlying state and federal legal principles
- Major entertainment companies in copyright, First Amendment, and other litigation in the Ninth Circuit, the California Court of Appeal, and federal district court
- Tokyo Electric Power Company (TEPCO), the fourth-largest electric utility in the world, in winning complete dismissal of billion-dollar claims stemming from the Fukushima nuclear disaster, affirmed by the Ninth Circuit, with certiorari denied by the U.S. Supreme Court
- Johnson & Johnson in overturning a \$417 million verdict against J&J and its subsidiary, winning judgment notwithstanding the verdict for J&J and a new trial without punitive damages for its subsidiary, affirmed by the California Court of Appeal, with review denied by the California Supreme Court
- Founders of Beats Electronics and Beats Music in winning demurrer and summary judgment in a billion-dollar lawsuit brought by Monster Inc. and Noel Lee, affirmed by California Court of

- Appeal, with review denied by the California Supreme Court
- Fox in winning summary judgment in corporate governance dispute in Delaware Chancery Court, affirmed by the Delaware Supreme Court
- Disney in winning complete dismissal of copyright infringement and implied contract claims involving Disney Pixar's acclaimed film *Inside Out*, affirmed by the Ninth Circuit, with certiorari denied by the U.S. Supreme Court
- ITV in first overturning a preliminary injunction and restoring control of Gurney Productions to ITV, and then winning dismissal of claims against ITV under California's anti-SLAPP statute, leading to resolution of the dispute, both victories in the California Court of Appeal, with review denied by the California Supreme Court
- High-profile attorneys in successfully resolving California State Bar matters

Pro Bono Work and Community Service

- Major litigation challenging USDA's persistent discriminatory lending practices against Black and other minority farmers
- Representation of 25 California-based legal organizations in the Supreme Court, defending the role of diversity considerations in higher education
- Extensive immigration appellate work in the Supreme Court and the Ninth Circuit, winning victories for asylum petitioners from China, Nigeria, and Mexico

INSIGHTS

Select Publications and Speaking Engagements

- "Literature's first courtroom drama: *Brennu-Njáls Saga*," *Daily Journal*, May 26, 2022
- "Legal Advocacy as Interactive Storytelling," *American Bar Association Litigation Section*, Winter 2022
- "Expert Q&A on Best Practices and Potential Pitfalls in Oral Argument," *Practical Law: The Journal*, December 2018/January 2019 issue
- Co-author, "Law is Mightier than the Quill," *Daily Journal*, June 2018
- Moderator, "Discussion About Oral Argument Strategies Before Appellate Judges," ABA Section of Litigation Conference, May 2018
- Co-author, "Fraud Ruling Stresses Mens Rea," *Daily Journal*, December 2016