

Daily Journal

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TOP 40 UNDER 40

California's leading lawyers of 2018

Mark R. Yohalem

Writing about elves and aliens has become a necessary part of Yohalem's high-profile appellate work.

That's why when Yohalem, formerly of the Deputy Chief of Appeals at the U.S. Attorney's Office for the Central District, is not asking the U.S. Supreme Court to revise the Commerce Clause to tax virtual e-commerce companies or defending former Los Angeles city attorney Carmen Trutanich against allegations of prosecutorial misconduct before the State Bar Court, he's writing for science fiction and fantasy video games or kid's television shows.

"Fiction writing sort of rejuvenates the legal writing," Yohalem said, "and the legal writing adds a rigor and a discipline to the fiction writing."

Using those complementary narrative skills, Yohalem tries to get the audience — whether it's a judge, jury or gamer — on his side.

Yohalem is currently locked into a contentious court battle over Gurney Productions, the company that produces "Duck Dynasty." He successfully argued on appeal that his client, ITV, properly terminated the couple that founded the company over fraud and misconduct.

The case is on an appeal of an anti-SLAPP ruling in which ITV was denied its motion to strike allegations from the complaint. The appeal is in the briefing stage. *ITV Gurney Holding Inc. v. Gurney*, B281694, B283476 (Cal. App. 2nd Dist., filed Dec. 5, 2017).

It was partially the allure of handling eclectic legal matters — now ranging from tax to entertainment to pro bono asylum cases — that lured Yohalem away from his government position two years ago.

He still uses the work experience he



Munger, Tolles & Olson LLP

Los Angeles

Practice: Complex litigation

Age: 38

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gleaned from the government every day.

"That hands-on, rough and tumble, being in court, getting on your feet, being grilled by a judge — you can get that faster and more frequently in public service," he said, noting that he was in court almost every week.

While clerking for U.S. Supreme Court

Justice Anthony Kennedy, Yohalem said he developed a "rule of law proselytizing passion" that hasn't abated.

Yohalem's legal excitement bleeds into his fictional work: His popular "Primordia" video game from 2012 involves real-world logic games inspired by his legal education.

— Lila Seidman