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TOP WHITE COLLAR LAWYERS 2022



LISA J. DEMSKY

MUNGER, TOLLES & OLSON LLP

LOS ANGELES

LITIGATION & INVESTIGATIONS

Many of the cases that Lisa J. Demsky defends begin in tragedy. "It's a bit of a common theme in the criminal cases we handle, that there's something tragic that happened or is happening," she said. "The question is: Was it a crime?"

In particular, she defended Pacific Gas & Electric Co. against allegations it caused the Kincadee, Zogg and Dixie wildfires in Northern California. And she represented Santa Anita Racetrack and its owner, the Stronach Group, during the L.A. County district attorney's investigation into a series of horse deaths at the track in 2019.

Those kinds of tragedies often may result from someone's judgment call, which does not amount to a crime, she said.

Munger Tolles represented PG&E in criminal investigations following the North Bay fires in 2017 and the Camp fire in 2018. When the Dixie fire erupted in July 2021, Demsky began an internal investigation for the utility almost immediately. "I was on the phone interviewing people ... the next day."

She worked toward reaching settlements with district attorneys from the five counties where the fire spread. In early 2022, during a break in a preliminary hearing about 2019's Kincadee fire in a sixth county, she became involved in settlement discussions about it as well. "Those discussions were all happening simultaneously and with some coordination," she said.

Settlements were announced in April. The five district attorneys agreed not to file criminal charges and Sonoma's D.A. dropped its charges.

The Munger Tolles team was not able to reach a settlement with the Shasta district attorney on involuntary manslaughter and other charges from the 2020 Zogg fire. Demsky will help defend PG&E in a preliminary hearing set for January. *People v. Pacific Gas & Electric (Zogg Fire)*, 21-0006622 (Shasta Super. Ct., filed Sept. 24, 2021).

She and her team brought in a settlement in another high-profile matter recently, finally resolving a hedge fund's \$350 million claim against her client in a case that began nearly 13 years ago. *Himelsein Mandel Fund Management LLC v. Fortress Investment Group LLC*, BC429385 (L.A. Super. Ct., filed Jan. 7, 2010).

In the Santa Anita Racetrack controversy, Demsky and her clients cooperated fully with the L.A. district attorney's special task force. "We got our people in for them to speak with," she said. The result was that the task force found no crimes were committed.

She said the track and its owner "are actually leaders in the industry trying to effect change ... to improve the safety and welfare of horses."

"In general, when you're advising clients in this area, you're dealing with clients who want to be forward-looking," Demsky said. They want to "work collaboratively with other stakeholders going forward to try to improve on the safety in the industry so that tragedies like this don't happen in the future."

— DON DEBENEDICTIS