

# Daily Journal

AUGUST 14, 2019

## TOP 40 UNDER 40

California's leading lawyers of 2019

### Michelle S. Ybarra

Specializing in high-stakes intellectual property and class action disputes in the sharing economy, social networking and cybersecurity industries, Ybarra is a Kecker, Van Nest & Peters LLP partner who also makes time for important social justice cases.

She has prevailed for a health care provider challenging the Trump administration's planned "gag rule" on abortion discussions and for Planned Parenthood's opposition to an anti-abortion group.

"The majority of my practice is patent and trade secrets, which I love, but these cases are extraordinarily important to me," Ybarra said.

On April 26, she and her team secured a California-wide injunction blocking Trump's new family planning regulations under Title X of the Public Health Service Act designed to withhold federal funding from clinics that perform or refer for abortions and to forbid clinics from discussing abortion with pregnant women. *Essential Access Health Inc. v. Azar*, 19-cv-01195 (N.D. Cal., filed March 4, 2019).

U.S. District Judge Edward M. Chen peppered Ybarra and the government's counsel with questions for more than two hours of oral argument before filing a 78-page order holding the new rules violate the Administrative Procedures Act as contrary to law and arbitrary and capricious and that their implementation would result in the loss of access to quality reproductive and related health care to the one million low-income Californians served by Title X annually.

"It was a heated, contentious argument and I didn't expect it to go that long," Ybarra said. The government has since appealed even as the litigation before Chen proceeds. A 9th U.S. Circuit Court of Appeals panel stayed Chen's injunction; Ybarra has successfully petitioned for en banc review of the stay.

"A lot of people's healthcare hangs in the balance here," Ybarra said.

In an earlier case, she fought off the conservative Pacific Justice Institute's attempt to hold Planned Parenthood liable for allegedly preventing an anti-abortion rival from renting space to intercept women entering a Planned Parenthood



**Kecker, Van Nest & Peters LLP**

San Francisco  
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Age: 38

clinic in Solano County. The case took an odd turn when a prior Planned Parenthood law firm inadvertently disclosed privileged emails that Pacific Justice Institute used in its complaint, despite notice of the disclosure.

In October 2017 Solano County Superior Court Judge Wendy G. Getty imposed evidentiary sanctions plus \$15,000 in monetary sanctions on Pacific Justice Institute for its ethical breach. The institute then voluntarily dismissed the action. *Solano Alpha Crisis Pregnancy Center v. Planned Parenthood*, FCS048542 (Solano Super. Ct., filed March 14, 2017).

"I love practicing here," Ybarra said of her time

at Kecker, which she joined eight years ago from Howard Rice Nemerovski Canady Falk & Rabkin PC, which merged with Arnold & Porter Kaye Scholer LLP in 2011. "I had just second-chaired a trial and really got a taste for trial work. There are tons of interesting cases here and a lot of irreverent, casual funny colleagues who love to win. John Kecker's sense of humor sets the tone."

Ybarra serves on the firm's hiring committee, where she advocates for advancing diversity in the law.

"I'm going to my law school at the University of Chicago next week to do on-campus recruiting," she said in late July.

— John Roemer