

## Rising Star: Keker Van Nest's Erin Meyer

By Sameer Rao

*Law360 (June 22, 2021, 2:51 PM EDT)* -- Erin Meyer's successful arguments on behalf of defendants in major California class actions, including Coinbase and Public Storage, have earned her a place among the best class action lawyers under age 40 honored by Law360 as Rising Stars.

### **WHY SHE BECAME A CONSUMER AND CLASS ACTION ATTORNEY:**

Despite her focus on class actions, Meyer said that she actually considers herself a trial attorney who has been "able to build a class action practice while staying true to my trial roots." Additionally, the law firm where she made partner in 2019 does not have individual practice groups, and its attorneys see themselves as generalists.

But that did not prevent her from developing a successful practice whose roots lie in a conversation she had with a firm partner a few years ago. She had just scored "a complete defense verdict" for her first jury trial in Delaware and taken a vacation before returning to the office, where this senior colleague was waiting. The partner asked if she wanted to join a "nationwide, [Racketeer Influenced and Corrupt Organizations] class action" in Miami federal court.

The client, Public Storage, was facing a RICO claim from consumers who accused the self-storage company of selling them tenant insurance without appropriately disclosing how much of the premiums it retains. Meyer worked on summary judgment papers that the court ultimately granted for the RICO charges. She said that she found the intricacies of this class action, in which a publicly traded company was alleged to be receiving kickbacks off of its own insurance, compelling in ways that keep her working on such matters.

"Litigation in general, and getting a case ready for trial in general, is sort of like a puzzle," she explained. "But there's this entirely separate layer with a class action. I'm trying to figure out how to focus in on individualized issues, how to think about common proof, how to think about all these other issues that are unique to class actions. I felt like



**Erin Meyer**  
 Keker Van Nest

Age: 36  
 Home base: San Francisco  
 Position: Partner  
 Law school: Yale Law School  
 First job after law school:  
 Clerk for Judge Patti Saris of the  
 U.S. District Court for the District  
 of Massachusetts

[they] just added an extra challenge to litigation that I loved and that I wanted to do more of."

#### ***HER MOST INTERESTING RECENT CASE:***

Meyer has also scored victories representing clients in the cryptocurrency space. She represented digital currency exchange Coinbase in a consumer class action for which she successfully appealed a denied motion for arbitration that she had drafted and argued earlier before the federal trial court. This case involved a "hard fork" for Bitcoin currency, which is one way that new digital currencies can be created. The Ninth Circuit reversed the district court and sent the case to individual arbitration several months ago.

Meyer said that this matter presented novel challenges not fully addressed by case law that she found "super exciting."

"You have to figure out, 'OK, what is a hard fork? How do digital currency exchanges manage launches for new assets? How does that fit within the legal framework that exists? What arguments can we make? What kinds of novel arguments can be made as we think about these cases that get filed?'" she said.

#### ***OTHER NOTABLE CASES:***

Meyer said her practice saw tremendous growth in litigation around 2015, and she began representing sharing economy titans like Lyft, Instacart and Caviar in matters "involving classification issues for independent contractors." For Lyft and Instacart, Meyer successfully argued motions to compel arbitration that dealt with implications of the Federal Arbitration Act's exemption of interstate transport workers. She took pride in her representation of these companies, whom she called "fundamentally good" and "innovators" that actually offer workers a flexibility and power of choice that she believes more traditional employment models do not.

"There wasn't really a framework for this type of work before, and, I think, obviously, anything new that comes about can often come with a lot of litigation," she said. "I think that's what the sharing economy has seen, but at the same time, there haven't been any decisions from courts — notwithstanding the dozens and dozens of class actions that have been out there — saying that a sharing economy company has done something wrong."

#### ***WHY SHE REPRESENTS WOMEN AND CHILDREN FLEEING VIOLENCE PRO BONO:***

Beyond her successful class action practice and other billed work, Meyer is one of two partners on her law firm's pro bono committee. Much of her pro bono work addresses the issues facing women and children fleeing discriminatory violence in Central America, which she said she began doing through a fellowship after law school.

"My fellowship was entirely based upon asylum claims, many domestic violence claims, many claims on behalf of Indigenous women and children from Central America," she said. "That work was incredibly important, in terms of direct services — giving a voice to people whose humanity has not always been at the forefront of our country's history."

At Keker Van Nest & Peters LLP, she has continued this work in partnership with the Lawyers' Committee for Civil Rights Under Law and Legal Services for Children. That work has resulted in some of her clients being granted asylum and permanent residency and has also brought Meyer the chance to mentor younger attorneys.

"It's been fun for me at Keker to really encourage our associates to have [experience with] impact litigation — you have to have impact litigation in order to make broad system-wide change but, at the same time, there are real people who need real help every day," she said.

#### **WHAT KEEPS HER MOTIVATED:**

Meyer's work frequently involves cutting-edge companies whose quick growth and innovation brings difficult legal issues to the fore. Still, she said, she draws inspiration from this confusion.

"I am motivated by some of the chaos that comes with litigation," she said. "You can't predict what's going to happen tomorrow, and I think it would be boring if you could. So I love that process, and I like being able to take on those challenges, take on the unexpected and provide solutions for my clients so that they don't have to deal with the chaos themselves."

Meyer also acknowledged that different fields bring different stressors, and being a trial lawyer is not for everybody. When things do become too much, however, she takes comfort in sharing the work with her colleagues.

"At our firm, everybody takes a meaningful role in determining strategy and figuring out how we're going to get things done, and that's very motivating for me," she said.

— As told to Sameer Rao

*Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2021 Rising Stars winners after reviewing more than 1,400 submissions. Attorneys had to be under 40 as of April 30, 2021, to be eligible for this year's award. This interview has been edited and condensed.*