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TOP WHITE COLLAR LAWYERS 2020

Charles J. Stevens

Stevens is co-chair of Gibson, Dunn & Crutcher's white collar defense and investigations practice group, focused on the representation of corporate clients in internal investigations, government investigations and enforcement actions. He rejoined Gibson Dunn in 2013 after serving as U.S. attorney for the Eastern District. He has served as vice president of the National Association of Former United States Attorneys.

Following the 2020 elections, he said he expects the U.S. Department of Justice will "return to being an institution committed to an apolitical approach to the administration of justice," and he applauded speculation over the naming of former Acting U.S. Attorney General Sally Yates as President Joe Biden's AG. "She'd be terrific. There's been a lot of angst over the last few years over the government's erosion of its commitment to the fair and impartial administration of justice."

Noting that President Trump dismissed Yates for insubordination days after his 2017 inauguration, Stevens said, "There'd be some poetic justice to her return, given her unceremonious firing." As for the odds that she'd investigate and prosecute Trump administration figures for official malfeasance, he said, "She'd be extremely careful to bend over backwards to avoid any appearance of bias. The right approach is probably to move on, though if there is clear and convincing evidence of a crime, that may not be possible."

He added that "state and local prosecutors have their own authority to pursue financial crimes, not as a vendetta."

Stevens and colleague Winston Y. Chan currently represent JUUL Labs Inc. in an ongoing federal criminal investigation by the Northern District that followed widespread public criticism by advocates and politicians over the company's marketing and sales of its electronic nicotine delivery products. While JUUL is the defendant in a range of civil suits, no criminal charges have yet been filed. Stevens' job is to keep it that way.

"We're trying to convince prosecutors there are no legal problems to pursue criminally," he said. "We want to forestall any questions before they reach the indictment stage. We're telling the other side of the story."

Stevens said he enjoyed his courtroom role earlier in his career. "But now two-thirds of my practice is being more of a problem solver as an investigator. I enjoy that kind of work. You can't beat a lawyering job that allows you to offer an independent legal assessment. It's the old, 'Just the facts, ma'am' focus."

Last year he won and successfully obtained an affirmance at the 9th U.S. Circuit Court of Appeals in a whistleblower case against a technology company client accused of non-compliance with Food and Drug Administration product safety regulations in the performance of government contracts. *Bailey v. Roper Industries Inc.*, 17-17530 (9th Cir. opinion filed Aug. 12, 2019).



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