

# Daily Journal

NOVEMBER 4, 2020

## Top WOMEN LAWYERS 2020

### Julia B. Strickland

**S**trickland defends financial services companies in class action litigation. She also counsels clients on federal and state regulatory compliance. Her client list includes banking and finance giants such as American Express, Citigroup, Discover, Goldman Sachs, JPMorgan Chase and HSBC.

She worked on two cases that delved into the hotly contested issue of what constitutes public injunctive relief under California's consumer protection laws.

In the 2017 decision in *McGill v. Citibank N.A.*, 2 Cal. 5th 945 (2017), the California Supreme Court held that an agreement preventing a party from seeking public injunctive relief is unenforceable under state law, in spite of the Federal Arbitration Act and U.S. Supreme Court precedent that private litigants may restrict the scope of an arbitration to the parties' individual claims. As a result, class action plaintiffs in California have sought public injunctive relief in an attempt to avoid individual arbitration.

In *Johnson v. JP Morgan Chase Bank N.A.* 5:17-cv-02477 (C.D. Cal. filed Dec. 12, 2017), plaintiffs asserted various claims against JPMorgan Chase Bank arising from overdraft charges and other fees assessed to their checking accounts.

Plaintiffs sought monetary relief on behalf of Chase account holders and sought to seek relief on behalf of other California consumers.

"We argued that this isn't public injunctive relief, because plaintiffs are only talking about people who are actual Chase customers. That's not the public as contemplated by the caselaw, and every customer has an individual arbitration clause," she said.

Strickland and her team successfully compelled arbitration, defeating claims that the relief sought was public injunctive relief. She obtained a similar ruling in 8:19-cv-00264, (C.D. Cal filed Feb. 11, 2019). Again, a favorable settlement and abandonment of the class claims followed.

The decisions in *Johnson* and *Sponheim* should assist proponents of arbitration in ensuring that their arbitration agreements and class action waivers are enforced as written.

"The related issue is whether the Federal Arbitration Act preempts the California Supreme Court's decision in *McGill*. Although the Ninth Circuit concluded no, I would expect the issue to go to the U.S. Supreme Court in the near future." Strickland said.

— Jennifer Chung Klam



**STROOCK & STROOCK  
& LAVAN LLP**

LOS ANGELES

**Practice Type:**  
Litigation, regulatory