

# HUESTON HENNIGAN

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Michael Behrens  
Counsel

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## Education

UCLA School of Law (J.D., 2011) Order of the Coif  
University of California, Los Angeles (M.F.A., 1999)  
University of California, Berkeley (B.A., 1991) Phi Beta Kappa

## Clerkships

Hon. Kim McLane Wardlaw,  
U.S. Court of Appeals for the  
Ninth Circuit

## Admissions

California

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Michael Behrens has achieved significant results for clients in a wide array of complex commercial litigation cases. His practice spans many areas of law, including contracts, professional malpractice, toxic torts, corporate executive employment disputes, defamation, health care fraud, RICO, and labor unions. Mr. Behrens handles cases in state and federal courts, at both the trial and appellate level, and he regularly represents clients in arbitrations as well as in administrative and regulatory proceedings. Mr. Behrens also frequently represents governments and universities and advises institutions facing regulatory action, drawing on his deep experience conducting complex internal investigations.

The son of a Japanese-American woman born in an internment camp, Mr. Behrens maintains an extensive pro bono practice focused on immigration issues. In 2014, Mr. Behrens obtained a landmark constitutional holding from the U.S. Court of Appeals for the Ninth Circuit. He successfully argued that the Immigration and Naturalization Service had violated his pro bono client's constitutional due process rights by mishandling the client's mother's 1985 naturalization petition, depriving him of automatic U.S. citizenship. In the resulting opinion, *Brown v. Holder*, 763 F.3d 1141 (9th Cir. 2014), the court held for the first time that a constitutional right exists to apply for U.S. citizenship. Judge Tallman's concurrence called the ruling "expansive" and "novel."

While in law school, Mr. Behrens served as articles editor for the *UCLA Law Review* and was named a Michael T. Masin Scholar.

## Experience

Representing **PricewaterhouseCoopers Advisory Services LLC** in litigation arising out of the FCC's Broadcast Incentive Auction.

Representing **Southern California Edison** and **Edison International** in litigation arising out of the 2017 Thomas Fire and 2018 Montecito mudslides.

Conducted a high-profile fact-finding investigation along with retired California Supreme Court Justice Carlos Moreno for the **Board of Regents of the University of California** into allegations that university officials—specifically President Napolitano—interfered with a state audit. The final report was presented to the UC Board of Regents and led to internal changes within the UC system regarding compliance with state audit functions as well as two top aide resignations.

Represented the founder and **CEO of a well-known mobile dating application** in a multimillion-dollar arbitration concerning breach of contract, breach of fiduciary duties, and related business torts, and achieved a favorable settlement for client.

Represented **Western Digital** and its **SanDisk** subsidiaries in their widely publicized dispute with Toshiba over anti-transfer provisions in joint venture agreements governing the manufacture and development of NAND flash memory. The dispute encompassed multiple arbitrations before the ICC International Court of Arbitration and litigation in the California state courts, where SanDisk secured injunctive relief to aid the arbitrations.

Representing a **large Southern California county** facing an ongoing high-profile investigation into its child welfare services agency by the state's attorney general.

Conducted a sensitive investigation of alleged racial bias at **UCLA** into issues of racial bias on campus for a blue-ribbon panel chaired by Justice Moreno. Faculty lauded the resulting "Moreno Report" as an important step in supporting a diverse faculty, and UCLA adopted its recommendations.

**Dunn v. State Bar of California et al.** Prevailed at trial on behalf of the State Bar of California in a high-profile legal battle brought by its former executive director, Joseph Dunn, winning a complete judgment on Dunn's claims for whistleblower retaliation, breach of fiduciary duty, and breach of the implied covenant of good faith and fair dealing. (See "California Bar Wins Over Executive Director In Whistleblower Case," *Law360*; "Arbitrator Rejects Remainder of Ousted Bar Leader's Claims," *The Recorder*).

Prevailed at trial as counsel for **global data and analytics company** in a two-week confidential arbitration hearing concerning the misuse of proprietary information and trade secrets by another financial services company.

Successfully represented one of the **nation's largest specialty staffing companies** against the company's former CEO, who brought claims for wrongful termination and sought to invalidate his non-compete and non-solicit obligations. On the eve of trial, we obtained a favorable settlement which kept intact the former CEO's "for cause" termination and reaffirmed his non-compete and non-solicit obligations.

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## Recognitions

Named to the Southern California Rising Stars list (2017-present)

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## Activities

President of the Board of Directors, Community Legal Aid SoCal