

# Snell & Wilmer

---



## James P. Melendres

Partner | Phoenix | Orange County

Tel. 602.382.6555 PHX

Tel. 714.427.7071 OC

[jmelendres@swlaw.com](mailto:jmelendres@swlaw.com)

## Main Bio

James Melendres co-chairs the Investigations, Government Enforcement and White Collar Protection practice and the Cybersecurity, Data Protection and Privacy practice. He regularly conducts internal investigations and represents companies in a wide variety of matters relating to federal and state criminal, civil and regulatory enforcement. James also advises companies regarding the full life cycle of enterprise risks associated with cybersecurity, including before, during and after a data breach or other cyber-attack.

James further assists clients in developing and implementing crisis management and public relations strategies. He has appeared on CBS, CNBC and MSNBC and been quoted in *The Wall Street Journal* and *Bloomberg*, among other publications.

Prior to joining Snell & Wilmer, James served as a federal prosecutor and led high-profile and complex matters, including the prosecutions of former Central Intelligence Agency Director David Petraeus and the leader of the Tijuana Cartel. He also served in the leadership offices at the Department of Justice in Washington, D.C., and in his role as counsel to the Assistant Attorney General for National Security, James helped manage the DOJ National Security Division and counseled senior DOJ officials on a wide variety of matters - from high-profile cyber investigations and related litigation to the strategic use of trade sanctions to counter cyber-related national security threats.

## Representative Experience

- Conducted internal investigation for university in connection with Department of Justice “Varsity Blues” college admissions prosecution
- Conducted internal investigation and defended company in parallel investigations by Inter-American Development Bank and Department of Justice Foreign Corrupt Practices Act Unit
- Conducted internal investigation for company regarding civil and criminal False Claim Act allegations
- Defended company in investigation by Securities and Exchange Commission regarding fraud allegations
- Represented public company in prosecution by U.S. Attorney's Office for the Southern District of New York regarding indictment charging individuals with fraud and kickback scheme
- Represented public company in prosecution by U.S. Attorney's Office for the Middle District of Florida regarding indictment charging individual with obstruction of justice and material support for terrorism
- Represented non-profit organization in prosecution by Department of Justice Fraud Section regarding indictment charging individuals with fraud, money laundering, and false statements

- Represented venture capital firm in investigation by Securities and Exchange Commission regarding material misstatement allegations
- Representing company in investigation by U.S. Attorney's Office for Northern District of Florida regarding indictment charging individuals with health care fraud, wire fraud, and money laundering
- Representing company in investigation by U.S. Attorney's Office for Northern District of Illinois regarding money laundering allegations
- Represented company in investigation by U.S. Attorney's Office for Southern District of Illinois regarding Lacey Act allegations
- Defended individual in parallel investigations by U.S. Attorney's Office for Missouri and Securities and Exchange regarding fraud allegations
- Defended individual in prosecution by U.S. Attorney's Office for District of Arizona regarding mortgage fraud and bank fraud charges
- Conducting internal investigation and defending company in investigation by U.S. Attorney's Office for the District of Utah regarding criminal worksite enforcement allegations
- Defended company in prosecution by U.S. Attorney's Office for the District of Colorado for unlawful work activity on federal lands
- Defending charter school company board members in audit conducted by Fiscal Crisis & Management Assistance Team
- Defending individual in investigation by Securities and Exchange Commission regarding insider trading allegations
- Representing physician in investigation by U.S. Attorney's Office for Central District of California and Department of Justice Civil Fraud Section regarding False Claim Act and anti-kickback allegations
- Advise companies regarding design and implementation of global anti-bribery compliance programs
- Counseled companies in multiple industries regarding best practices for implementing policies to respond to government subpoenas and requests for information
- Defended brokers in parallel investigations by the New York State Attorney General and the SEC concerning mutual fund late trading and market timing
- Represented mining company in Business Email Compromise cyber-attack resulting in fraudulent transfer of millions of dollars to banks in more than twenty jurisdictions around the world
- Represented life sciences company in data breach impacting customers in all 50 states
- Representing civic organization in data breach impacting customer in 26 states
- Represented public company in data breach investigation
- Represented company in data security investigation involving HIPAA notification
- Represented companies in multiple industries in responding to cyber incidents involving ransomware and cyber extortion attacks resulting in exposure of sensitive information
- Counseled companies in multiple industries on cybersecurity risk management and cyber incident response planning
- Advise companies regarding design and implementation of global data privacy compliance programs related to EU General Data Protection Regulation and other international privacy laws

- Counseled companies in multiple industries on international data transfer issues, including EU – U.S. Privacy Shield and Swiss-U.S. Privacy Shield compliance

## Education

- Stanford Law School (J.D., 2003)
- Dartmouth College (A.B., cum laude, with high honors, 2000)

## Professional Memberships & Activities

- American Bar Association, Criminal & Enforcement Litigation Subcommittee, Chair (2016-present)
- Stanford Law School Phoenix Regional Chapter, Co-Chair (2016-present)
- Arizona Supreme Court Task Force on Court Management of Digital Evidence, Member (2016 – 2018)
- Hispanic National Bar Association
- Los Abogados Hispanic Bar Association

## Representative Presentations & Publications

### Selected Media Coverage

- "[Internal Investigation Finds Admission Scandal at USD Limited to One Coach](#)," The San Diego Union-Tribune (August 29, 2019)
- "[Companies Should Up Cybersecurity Efforts as Trump Council Frays](#)," Quoted, Bloomberg BNA (August 30, 2017)
- "[Trump Cybersecurity Council Resignations Could Mean Disruption for Cybersecurity Policy](#)," Quoted, Legaltech<sup>©</sup> News (August 29, 2017)
- "[What Attorneys Need to Know About Trump's Opioid Policies](#)," Quoted, Law360 (August 9, 2017)
- "[The Morning Risk Report: Odebrecht Corruption Case Breaks New Ground](#)," Quoted, The Wall Street Journal (April 19, 2017)
- "Cyber Spies," Quoted, Legaltech<sup>©</sup> News: A Special Report, Corporate Counsel Magazine (February 2017)
- "Odebrecht Case Shows Cooperation Breakthrough," Quoted, The Wall Street Journal (December 22, 2016)
- "[Table of Experts: Cybersecurity](#)," Panelist, Phoenix Business Journal (September 30, 2016)
- "[How does DOJ decide how much to fine a company?](#)" CNBC (September 16, 2016)
- "[Nationwide Ruling Lowers Hurdle For Data Breach Victims](#)," Quoted, Law360 (September 13, 2016)
- "[Spokeo Landscape Gets Clarity In 8th Circ. Charter Ruling](#)," Quoted, Law360 (September 9, 2016)
- "[As Cyber Fears Rise, Smaller Firms Struggle to Cope](#)," Quoted, The Record Reporter (August 12, 2016)
- "[Here's why James Comey didn't recommend prosecution for Hillary Clinton](#)," CBS (July 7, 2016)
- "[Reasons emerge as to why Hillary Clinton is not prosecuted in e-mail scandals](#)," New Europe (July 7, 2016)
- "[Criminal charges against Clinton could have set new legal standard](#)," Politico (July 6, 2016)
- "[How FBI chief's Clinton email ruling was 'very unusual'](#)," CBS, CBS This Morning (July 6, 2016)
- "[Similarities lacking in Clinton, Petraeus investigations](#)," The Associated Press (July 6, 2016)

- "[Intent is key in classified information cases](#)," The San Diego Union-Tribune (July 5, 2016)
- "[FBI: Clinton, Staff 'Extremely Careless'](#)," MSNBC, Meet the Press Daily (July 5, 2016)
- "[Top Privacy Cases of 2016: Midyear Report](#)," Quoted, Law 360 (July 1, 2016)

### **Publications**

- "ABA Recent Developments in Business and Corporate Litigation, Criminal and Enforcement Litigation," (2017-2018)
- "[Breaking Down the DOJ's Enforcement and Corporate Leniency Policies](#)," Co-Author, Denver Business Journal (June 11, 2018)
- "Handling Cyber Threats: Ransomware," Co-Author, Orange County Business Journal (August 28, 2017)

### **Speaking Engagements**

- "Law of Leaks," Panelist, 2018 Ninth Circuit Judicial Conference, Anaheim, CA (July 24, 2018)
- "Data Breach Response: Preserving the Privilege," SCCE Scottsdale Regional Compliance & Ethics Conference, Scottsdale, AZ (April 13, 2018)
- "Cybersecurity and the Obligations of Companies: An Ethical Perspective," ABA, Section of Litigation, Corporate Counsel Seminar, La Quinta, CA (February 16, 2018)
- "Cybersecurity and Data Protection Guidance for Law Firms: Protecting Your Clients' Crown Jewels in the Age of the Internet," ABA Business Law Section Annual Meeting, Chicago, IL (September 14, 2017)
- "Cybersecurity Preparedness: Building a Legal Firewall to Prepare for the Inevitable," Utah State Bar Convention, Sun Valley, ID (July 27, 2017)
- "Strategies for Communicating with DOJ," SCCE Regional Compliance and Ethics Counsel Conference, Scottsdale, AZ (April 7, 2017)
- "Cybersecurity: What Life Sciences Companies Need to Know to Defend Themselves Against the Inevitable," Co-Presenter, Medmarc Loss Control Webinar Series (June 29, 2016)
- "National Security-Related Cybersecurity Challenges and Solutions," Atlantic Council – Cyber 9/12 Student Challenge, Washington, D.C. (March 11, 2016)
- "Information Sharing Under the EU-US Privacy Shield," National Cyber-Forensics Training Alliance, San Diego, CA (March 4, 2016)
- "Cybersecurity, Data Protection and Privacy Committee Panel," American Bar Association, Public Contract Law Section, Washington, D.C. (February 23, 2016)
- "The Current Cyber Threat Landscape," Speaker, National Security Cyber Specialists Network 2015 Conference, Tysons Corner, VA (October 21, 2015)

### **Professional Recognition & Awards**

- The Best Lawyers in America®, Criminal Defense: White Collar (2019-2020)

### **Other Professional Experience**

- United States Department of Justice, National Security Division, Counsel to the Assistant Attorney General (2016)
- National Cyber Investigative Joint Task Force, Department of Justice Representative (2015-2016)

- United States Department of Justice, National Security Division, Counterintelligence and Export Control Section, Trial Attorney (2014-2016)
- United States Attorney's Office, Southern District of California, Assistant United States Attorney (2007-2014)
- United States District Court, District of New Mexico, Law Clerk to Hon. Bruce Black (2006-2007)
- LeBoeuf, Lamb, Greene & MacRae LLP, New York, New York (2003-2006)

## **Bar Admissions**

- Arizona
- California
- New York

## **Court Admissions**

- Supreme Court of Arizona
- Supreme Court of California
- Supreme Court of New York
- United States District Court, District of Arizona
- United States District Court, Central District of California
- United States District Court, Southern District of California
- United States District Court, District of Colorado
- United States District Court, Western District of North Carolina
- United States Court of Appeals, Ninth Circuit