

Daily Journal

JANUARY 21, 2009

20 UNDER 40

The state of the legal business is dismal. Revenues are down. Clients are complaining about the bills. Firms want their lawyers to be better rainmakers. There's no time for pro bono work — not to mention a personal life!

Set aside those concerns for a moment, and consider this year's list of the Daily Journal's 20 top lawyers under 40. Suddenly, the future doesn't look so bleak.

So take a few minutes away from the billables and read on about these 20 fascinating lawyers. You'll find that times may be tough but the legal industry is still pretty spectacular. In what other profession can you do such intellectually stimulating work while changing a little (or even a big) part of the world - and, perhaps, make a little money while doing it.

— The Editors



MARWA ELZANKALY | 33

Litigation

McManis Faulkner

SAN JOSE

Born in Egypt to parents who moved to the United States when she was 7, Marwa Elzankaly learned from them that it is important to understand the laws of the society in which she lives.

"I really wanted to be able to help people who have legal issues," said Elzankaly, who is a partner at McManis Faulkner in San Jose and past president of the Bay Area Association of Muslim Lawyers.

Elzankaly turned 33 only a month ago but already has successfully argued a major racial profiling case that was televised to a national audience.

Last year, Elzankaly persuaded the 9th U.S. Circuit Court of Appeals to allow district judges to investigate why a Muslim woman was placed on the No-Fly List - something that had been effectively prohibited until then. The secret list was created after the Sept. 11, 2001, terrorist attacks

to prevent suspicious individuals from flying on commercial aircraft.

Elzankaly's arguments to the 9th Circuit were taped and played on C-SPAN.

The case involves a Stanford University graduate student from Indonesia who was placed on the No-Fly List by the federal government's Transportation Security Administration. She was asked to take the case by a friend who works for a civil rights group.

Elzankaly's client, Rahinah Ibrahim, was arrested in January 2005 and held for two hours when trying to fly from San Francisco International Airport to Malaysia because she was on the list.

But Ibrahim was blocked from challenging her placement on the list because, under federal law, district courts could not gather evidence about why Ibrahim was on the list in the first place.

Government attorneys argued that Congress took away district court judges' scrutiny over the Transportation Security Administration's No-Fly List. Appellate courts did have jurisdiction but were unable to consider any cases because they had no lower court decision and evidence to review.

"You're really taking my right away to have my day in court," Elzankaly said.

The 9th Circuit ruling allows Elzankaly to pursue her client's lawsuit, although she is far from winning it.

"We can start getting discovery," she said. "It's a long battle."

Elzankaly, who grew up in Riverside County before moving north to attend Santa Clara University School of Law, joined McManis Faulkner after a short stint working for a sole practitioner following her graduation in 1999.

She handles a wide variety of cases, representing the parent corporation of Ringling Brothers and Barnum & Bailey Circus in a variety of legal matters while pursuing trade secrets and trademark infringement litigation.

As an associate, she worked with McManis in their successful defense of circus animal trainer Mark Gebel against criminal animal cruelty charges.

Elzankaly likes the many different types of cases she deals with at a litigation firm. She handles trademark and copyright disputes, trade secrets litigation, employment matters, malicious prosecution, insurance disputes and other civil cases.

Aside from her courtroom work, Elzankaly also plays an active role in firm management, overseeing the associate training program and managing its paralegals.

— CRAIG ANDERSON