

Rising Star: Nelson Mullins' Jahmy Graham

By Micah Danney

Law360 (June 29, 2023, 1:50 PM EDT) -- Jahmy Graham of Nelson Mullins Riley & Scarborough LLP helped defend luxury automaker Lexus against a lawsuit seeking relief for all Californians who alleged problems with its certification program for pre-owned vehicles and successfully argued for summary judgment in a suit alleging false advertising by the online dating service Tawkify, earning him recognition among class action attorneys under age 40 honored as Law360 Rising Stars.

WHY HE'S A CLASS ACTION ATTORNEY:

Graham said that being a class action attorney allows him to enter the courtroom and advocate for clients in the same way as the lawyers from "Law & Order" and "A Few Good Men," whom he admired growing up. The sector has allowed him to defend large corporate clients as well as advocate pro bono for people fighting systemic wrongs, he said, harking back to his days as a law student working on cases involving homelessness, an issue that affected his family when he was young.

"In law school, I always picked challenges and issues that I can hopefully add value to, whether that was domestic violence issues, homelessness, some immigration issues, civil rights," Graham said. "And then when I became a lawyer, I carried on that work. Even though I work for big firms and big companies, I always wanted to feel like I was still able to give back to the little guy and the little gal, and to reach back and really help, not just in word but in deed, without expecting any compensation for it."

"I like to think that I am a formidable advocate that cares about advancing his client's interests but also cares about getting to the right result," he added. "And so that may not mean a trial, right? That might mean a settlement. It may not mean litigation; that might mean getting the person to the room and doing the mediation. That might mean not going to trial, but in the case of some of these pro bono cases, getting everybody in the room and figuring out, what's a



Jahmy Graham
Nelson Mullins

Age: 39
Home base: Los Angeles
Position: Litigation partner
Law school: Southwestern Law School
First job after law school: Litigation attorney with Morgan Lewis & Bockius LLP

way that we can systematically improve the system?"

ON SOME OF THE BIGGEST CASES OF HIS CAREER:

In March, Graham led Toyota Motor Sales USA Inc. subsidiary Lexus' defense to a win in a six-week bench trial in San Diego Superior Court in a suit seeking an injunction against the company's pre-owned certification program in California.

A woman had claimed her pre-owned 2014 Lexus was sold to her with structural damage from an accident and should not have been certified, saying the automaker misrepresented the quality of its certified vehicles, failed to adequately disclose vehicles' conditions and did not properly train or audit dealers who participated in the certification process.

"Our experts and our investigation revealed otherwise — that the vehicle did not have structural frame damage, that it should not have been prevented from being certified and sold to her," Graham said. "There was no fraud or misrepresentation that she alleged."

Among his most interesting cases was his experience as lead counsel for Tawkify, an online dating platform, he said. He successfully argued for summary judgment in 2021 in the U.S. District Court for the Northern District of California against a class action alleging the company engaged in false advertising and failed to include required disclosures in its contracts with customers about their rights, including the right to cancel and get refunds, in violation of the state's Dating Service Contract Act.

"Class actions can be quite daunting financially for a company, and so it was interesting in that regard, that it was high-risk, high-exposure for a relatively small company. And there was a lot on my mind, including potentially — I wouldn't say put them out of business, but really make it difficult for them to continue to operate," Graham said.

He is currently lead counsel for a class of plaintiffs in Louisiana suing the New Orleans Police Department, alleging officers used tear gas and batons on peaceful demonstrators protesting the police killing of George Floyd in 2020.

"That helps keep me fired up every morning, to do that pro bono work, and not just for clients who can pay me," Graham said.

ON HIS PROUDEST MOMENT AS AN ATTORNEY:

Graham has two young daughters, ages 4 and 1. The elder daughter sat in the back of the courtroom during closing arguments in *Mazyck v. Lexus*, he said. At home, he had been teaching her to identify who does what in a courtroom using TV shows and movies, and she learned that judges are referred to as "Your Honor," he said.

After closing arguments ended, she got to meet Judge Kevin Enright, who complimented her for sitting so quietly in the gallery.

"And she said, 'Thank you, Your Honor.' And he just smiled and blushed, and it was all we heard for the next couple of weeks, from her telling her friends at school and everyone who would listen: 'I met a judge at Daddy's work at the court and I said, 'Thank you, Your Honor,' and he smiled.' So I would say that's my proudest moment so far," Graham said.

ON THE FUTURE OF CLASS ACTION LAW:

Graham is concerned about the legal industry and court system keeping up with new technology, especially artificial intelligence and software that can digitally manipulate things that have long been relied on as evidence, including photographs and text message threads. For instance, lawyers using AI software to write legal briefs can introduce factual inaccuracies into cases, he said. The issue will require new regulations and will need to be confronted by the legal industry head-on to prevent the justice system from being compromised, he said.

"I wonder how can we fortify it so that we prevent situations where someone says, 'I never sent that text,' because they were able to unsend it, or someone is falsely accused or goes to jail for something they didn't do because the evidence was tampered with in that regard, or it's a photograph that's been admitted into evidence, but it's not a true, authentic photograph that was taken, because someone or something was removed from it," Graham said. "So those are the sorts of challenges I see in our community coming up and hopefully, we can band together to combat it."

— *As told to Micah Danney.*

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2023 Rising Stars winners after reviewing more than 1,350 submissions. Attorneys had to be under 40 as of May 1, 2023, to be eligible for this year's award. This interview has been edited and condensed.