MILLER | BARONDESS LLP

Molly A. Karlin

Counsel



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Education

J.D., *Harlan Fiske Stone Scholar*, Columbia Law School

B.A., *cum laude*, Yale University

Clerkship

Honorable Arthur L. Alarcón, Ninth Circuit Court of Appeals

Admissions

California

New York

Arizona

Biography

Molly Karlin is a go-to attorney for high-stakes appeals. She represents clients in complex commercial cases, including those involving fraud, breach of contract, tort, copyright, entertainment, insurance/reinsurance, securities, and class actions, as well as individuals and entities charged with white collar and other serious criminal and regulatory offenses. She is also well-versed in constitutional and statutory issues. Molly is adept at finding creative solutions to the toughest problems, identifying novel issues, and adopting out-of-the-box approaches to resolve disputes in her clients' favor. In commercial appeals, she is undefeated.

> *"[Your brief] is excellent. Very clear and hard-hitting."*
>
> – Hon. Alex Kozinski, Former Chief Judge of the U.S. Court of Appeals for the Ninth Circuit

A writer by nature, Molly has drafted numerous briefs and petitions before the United States Supreme Court and appellate courts and has successfully briefed and argued dispositive motions in both the federal and state courts and in arbitration and mediation. The United States Supreme Court has called for responsive briefing to nearly all the petitions for writs of certiorari Molly has filed, indicating its interest in her clients' cases even where the opposing party waived its right to be heard. State and federal courts have corrected defects in their court rules and pattern jury instructions in direct response to issues Molly raised in her clients' appeals. On the political front, her cases have spurred remedial legislation.

Molly is also deeply committed to *pro bono* work. Recently, she secured a grant of clemency by the President for a client sentenced to life without parole for non-violent drug offenses under a federal three-strikes law. She obtained legal status in immigration court, precluding deportation, for a client who had been sexually assaulted by gang members in El Salvador due to her transgender status. Molly also regularly represents *amici curiae* in the defense of constitutional rights and civil liberties and in opposition to capital punishment. She is a member of the Amicus Briefs Committee for the Los Angeles County Bar Association (LACBA) and serves on LACBA's State Appellate Judicial Evaluation Committee, which evaluates potential nominees to the California Supreme Court and Court of Appeal for the Governor.

Prior to joining Miller Barondess, Molly cut her teeth at some of the country's most elite national and international firms. She also served for nearly a decade as an assistant federal public defender, advocating for indigent defendants convicted of serious federal crimes. She holds a J.D. from Columbia Law School, where she was a Harlan Fiske Stone Scholar, earned the Parker School Certificate of Achievement in International and Comparative Law, and served as an Articles Editor for The Columbia Journal of Gender and Law. After graduating, she served as a law clerk on the United States Court of Appeals for the Ninth Circuit. She earned her B.A., *cum laude* and with distinction in the English major, from Yale University.

Molly is admitted to practice in California, Arizona, New York, the U.S. Supreme Court, and numerous federal appellate and district courts across the country.

Notable Representations

- Drafted the key appellate briefing in a landmark class action that led to a $1.5 billion settlement for copyright-owners—the largest copyright class-action settlement in history. This groundbreaking case has significantly impacted the manner in which AI companies procure data to train their large language models by demonstrating that the capture and retention of copyrighted materials, without compensation to the owners of those copyrights, violates the law, with severe consequence. Unsurprisingly, the case enraptured not only the legal world but both the technology and publishing spheres, receiving coverage with cable news, The New York Times, The Associated Press, Reuters, NPR, BBC, Bloomberg, Vox Media, Law360, and in numerous tech publications and with the publishing houses themselves.
- In a case that captured widespread public attention (and outrage), represented Marissa Alexander, a young Black mother who had been sentenced to twenty years in prison for firing a warning shot to defend herself against her abusive partner. Molly persuaded the Florida Court of Appeals to reverse Ms. Alexander's conviction; then, on retrial, she convinced the trial court to admit the copious evidence of the "victim's" violent attacks on his prior romantic partners. Rather than attempt to defend this damning pattern of abuse before a jury, the prosecution agreed to a sentence of time served. Ms. Alexander's case led the Florida legislature to amend the state's Stand-Your-Ground law to permit the firing of a warning shot in circumstances like hers. The case was heavily covered by nearly every major news outlet in the United States, several magazines, and international publications, including The New York Times, USA Today, Reuters, U.S. News and World Report, NPR, The Guardian, The Toronto Star, Rolling Stone, Slate, The Nation, Essence, and Salon magazines.

- Obtained the acquittal at trial of a Syrian man on several terrorism-related offenses stemming from the alleged construction of improvised explosive devices (IEDs) in the Iraq War. On appeal of the remaining convictions, Molly then argued and obtained reversal—and complete dismissal—of the counts alleging the commission of a crime of violence. She further persuaded the court of appeals to vacate the defendant's life sentence, which included a conviction for conspiring to use a weapon of mass destruction. The case was covered by media outlets across the globe, including The Associated Press, Reuters, FOX News, and The Times of Israel.
- On behalf of a Berkshire Hathaway subsidiary, drafted the successful summary judgment briefing that eliminated plaintiff Ford Motor Company's claims for hundreds of millions in punitive damages, leading to a favorable settlement for the Berkshire subsidiary on the agreed, actual damages. In a related case, Molly prevailed for her insurer client in arbitration and then obtained a federal court's confirmation of the arbitrator's decision denying Ford the hundreds of millions it sought. Both cases received coverage in Law360.
- Obtained reversal of summary judgment on behalf of investment fund, and complete dismissal of claims against asset manager, in a breach-of-contract action involving the failed purchase of distressed loans on the secondary market.
- Obtained affirmance of a dismissal on behalf of mortgage insurer in a class action alleging an illegal kickback scheme in violation of the Real Estate Settlement Practices Act.
- Obtained dismissal of an appeal on behalf of mortgage insurer against third party seeking to upset a settlement agreement between Molly's mortgage insurer client and the Consumer Financial Protection Bureau.
- Obtained a favorable settlement, on the eve of argument, on behalf of the defaulting guarantors in a $100 million breach-of-contract action by creditors in a bankruptcy proceeding.
- Prevailed at trial on behalf of a major developer against a restaurant group alleging breach of contract.
- Argued and obtained reversal, in a published opinion, of convictions for assault resulting in serious bodily injury and assault with a dangerous weapon for a defendant who had been abused by her victim boyfriend. The charges were then dismissed.
- Obtained the reversal, in published opinion, of a conviction for involuntary manslaughter arising from a fatal car crash. The case was then dismissed.
- Argued and obtained reinstatement of a federal habeas corpus petition for a defendant serving a 25-year sentence for kidnapping and assault. Molly then obtained a rare grant of post-conviction relief for constitutional violations, reducing the defendant's sentence to time served and resulting in immediate release.
- After filing the opening brief on appeal, Molly obtained the federal government's rare agreement to vacate a veteran's conviction for attempted sexual contact with a minor. The government then offered a deferred prosecution agreement for misdemeanor assault. The case was ultimately dismissed.
- Obtained reversal of the BIA's denial of a motion to reopen removal proceedings on the petitioner's claim of derivative citizenship on the ground that the gender-based distinction in the

Immigration and Nationality Act violated equal protection.

- Obtained withholding of removal for a transgender victim of rape by MS-13 gang members in El Salvador. Molly prevailed even though the case was complicated by the victim's history of prostitution in the United States while suffering post-traumatic stress disorder and her extended length of residence here after entering illegally.

Professional Activities

- American Bar Association
- Federal Bar Association, Los Angeles Chapter
- Los Angeles County Bar Association
- National Association of Criminal Defense Lawyers
- Association of Business Trial Lawyers
- Women Lawyers Association of Los Angeles
- Women's White Collar Defense Association
- Federal Bar Association, Phoenix Chapter, Vice President (2024–2025); Treasurer (2023–2024); Secretary (2022–2023); Board of Directors (2020–2022)
- Arizona Justice Project, Board of Directors (2019–2024)
- Arizona State Bar, Criminal Justice Section, Executive Board (2021–2024)
- Arizona Attorneys for Criminal Justice, Board of Directors (2022–2024)
- Arizona Women Lawyers' Association, Steering Committee (2022–2023)

Honors & Awards

- Harlan Fiske Stone Scholar
- Parker School Certificate of Achievement in International & Comparative Law
- Notes Competition Winner, Columbia Journal of Gender & Law
- Articles Editor, Columbia Journal of Gender & Law

Publications

- *Damned If She Does, Damned If She Doesn't: De-Legitimization of Women's Agency in* Commonwealth v. Woodward, 18 Colum. J. Gender & L. 125 (2008)