

Daily Journal

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TOP 40 UNDER 40

California's leading lawyers of 2019

Alyssa D. Bell

Cohen Williams LLP

Los Angeles
Practice: Criminal litigation; federal appellate litigation
Age: 38

Bell is a partner at Cohen Williams LLP, where she focuses on white collar criminal defense and appeals. It's a field where young women are a rarity and even the smallest successes are often hard-earned, she said. Bell has been with the firm for a year, after working as a deputy federal public defender in Los Angeles, where she attained a post in the office's appellate unit.

Before that, she clerked for Judge Richard A. Paez of the 9th U.S. Circuit Court of Appeals and for Judge Margaret M. Morrow of the Central District.

"Here, I can do both trial and appellate work simultaneously," she said. "It's the best of both worlds."

For a prominent Southern California physician convicted of multiple counts of healthcare fraud, Bell's appeal netted reversal of his 108-month sentence. After she argued the case, the 9th Circuit's unanimous opinion broke new ground on the continuing offense doctrine by rejecting the government's claim that sentencing for continuing offenses is proper even where the prosecution charges multiple counts arising from independent executions of the scheme. *U.S. v. Wijegoonaratna*, 17-50255 (9th Cir., opinion filed April 26, 2019).

Circuit Judge Ronald M. Gould's opinion held that the government's charging decision led a district court judge to violate the ex post facto clause by sentencing Wijegoonaratna under the 2016 Sentencing Guidelines Manual on six counts arising

from conduct that occurred before the Guidelines Manual revision.

"So far, he has not been resentenced," Bell said. "We have some mitigation evidence, and we were happy to get the reversal. We'll see what happens."

Bell successfully defended U.S. District Judge Dolly M. Gee's suppression of evidence obtained through a warrantless apartment search for Steven Vasquez, a state probationer, because the government did not establish a "fair probability" that Vasquez lived in the searched apartment.

"...because the confidential informant relied upon by the government met at most two of the four factors concerning informant reliability, his tip provided at most some suspicion—not probable cause—as to Vasquez's residence," the panel wrote. *U.S. v. Vasquez*, 17-50035 (9th Cir., opinion filed July 9, 2018).

"Unlike many, Mr. Vasquez got to walk away," Bell said.

She knows the odds are against her in most criminal appeals. "No, I never have calculated defense lawyers' chances. They wouldn't be very high. Yet I'm motivated to make sure our criminal justice system remains honest. At the end of the day I'm happy to see the government held to its burden. And that doesn't happen on its own. It's a great result if justice is done."

Sometimes she has to settle for positive words from the court. Bell argued the 9th Circuit's lead case on a complex issue of first impression involving the void-for-



vagueness doctrine's application to the federal sentencing guidelines. *U.S. v. Blackstone*, 17-55023 (9th Cir., opinion filed Sept. 12, 2018).

She did not prevail, but at the conclusion of oral argument Circuit Judge Richard R. Clifton complemented her mastery and explication of the issues. "The government counsel and I were steeped in an encyclopedic knowledge of the complex law underlying the case," Bell said. "It was a tough case to win, and we didn't. But that's the life of a defense lawyer."

— John Roemer