

Rising Star: King & Spalding's Zach McEntyre

By Joyce Hanson

Law360 (October 15, 2019, 3:11 PM EDT) -- King & Spalding LLP's Zach McEntyre has served as lead counsel for Equifax in dozens of proposed class actions claiming violations of the federal Fair Credit Reporting Act and state statutes, earning him a spot as one of three consumer protection law practitioners under age 40 honored by Law360 as Rising Stars.

HOW HE STEPPED INTO A LEAD COUNSEL ROLE:

McEntyre recalls that he was a busy King & Spalding senior associate with a full docket when the law firm asked him in late 2014 to step into its existing relationship with Equifax Inc. He was elected partner a short while later, effective January 2015, and took over the class action portion of the relationship, requiring him to rapidly develop an understanding of the complex FCRA statutory scheme that governs the credit reporting industry.

"I jumped at it as a good opportunity to grow into a lead counsel role," McEntyre said. "I knew that given the volume of class actions that were filed against Equifax, it was likely that I would step in pretty quickly in a day-to-day managerial role."

This April, Equifax agreed to stop publishing civil judgment and tax lien information for five years and to pay \$1,500 to consumers who can show they were harmed by the inaccurate reporting of this data in order to end at least 19 suits alleging FCRA violations, according to documents filed in Virginia federal court.

McEntyre said he helped lead negotiations with a group of credit-reporting plaintiffs' attorneys for more than a year, including sessions with longtime mediator Eric D. Green, until the parties reached a global resolution that is expected to immunize Equifax against future class actions based on similar allegations.

"We were preparing to litigate a large set of those cases but

RISING ★ ★ ★ ★ ★ STAR



Zach McEntyre
King & Spalding

Age: 39

Home base: Atlanta

Position: Partner

Law school: Mercer University's
Walter F. George School of Law

First job after law school: Associate
at King & Spalding

ultimately we resolved all of the cases on a global basis with a nationwide settlement,” McEntyre said. “It’s an exciting docket, and Equifax is a great client.”

OTHER NOTABLE CLIENTS:

As a deputy chair of King & Spalding’s class action defense team within the trial and global disputes practice, McEntyre said he also relishes the opportunity to represent other corporate clients, including affiliates of the Southern Co. electricity and gas utility.

He said his team handled a case a few years ago in a Cook County, Illinois, state court over claims that their Southern Co. affiliate client had engaged in deceptive trade practices to induce a large putative class of consumers to buy a warranty product that the plaintiffs alleged didn’t have any value.

The state court had a reputation for being tough on corporate defendants, but the King & Spalding team doggedly fought for years through discovery and myriad disputes against a “highly effective” plaintiffs’ counsel until the affiliate won a denial of class certification around 2017, McEntyre said.

“Ultimately, four or five years after we got involved in the case, the court denied the motion for class certification,” McEntyre said. “We certainly thought it was the right outcome, but a lot of folks were surprised because of the difficulty of the case, how effective our adversaries were and the venue we were in.”

After McEntyre won the case in Illinois, he led negotiations in two follow-on proposed class actions filed in Indiana and Ohio alleging that his client had violated state consumer protection laws related to purported misrepresentations about one of its warranty products. The cases quickly resulted in class settlements, he said.

WHY HE’S A CONSUMER PROTECTION ATTORNEY:

All told, McEntyre has represented defendants in more than 100 proposed class actions in state and federal courts around the country, serving as lead counsel in dozens of cases for clients in the financial services, insurance, retail, energy, manufacturing and health care industries, according to the law firm.

He said he developed an interest in class actions even before he was a law student, dating to his high school days in the 1990s as he followed the Big Tobacco wars that ended when the industry in 1998 agreed to a \$206 billion master settlement with 46 states.

“My interest developed more as I got into law school and started practicing and got to understand the legal principles involved in class actions and consumer protection claims and the strategy behind it, particularly the strategies that go into defending against consumer fraud class actions,” he said.

ON BEING A TEAM PLAYER:

When McEntyre got to King & Spalding as a young associate, he learned about the practice from a number of colleagues who were successful lawyers, including now-retired partners Dwight Davis, longtime head of the consumer class action practice, and trial lawyer Joe Loveland, who was with the law firm for about 40 years.

McEntyre said he had a predisposition to focus on high-stakes class actions and other complex commercial litigation, but what really won him over was joining a team of talented attorneys.

“Dwight was a towering figure. He went to the same law school I did and I wanted to work for him,”

McEntyre said. “I did a lot of work for Joe as well as Dwight. They were both integral to me choosing this path. I’ve got a ways to go before I can step into Dwight or Joe’s shoes, and there are a lot of other people at the firm who are also very successful consumer class action lawyers. We’re all working collectively to maintain and build the firm’s presence in that space.”

WHAT MOTIVATES HIM:

Helping his clients solve problems is a primary motivator for McEntyre. While he sees himself as a litigator, he doesn’t view his work as simply a matter of winning or losing cases, he said.

Instead, he sees his job as understanding what a client’s business objectives are and crafting a legal strategy that aligns with those objectives. McEntyre said he’ll work with a client when or even before a consumer case gets filed to help identify the right solution, whether that means coming up with a way to resolve an issue “quickly and quietly or quickly and publicly,” or digging in, taking a principled position and litigating a case up to and through trial.

“Negotiating with your opponent or litigating against them are not that different,” McEntyre said. “In either case, my philosophy is to be direct, candid and forthright. You’re an advocate in both contexts, but the best advocates also can be objective. Whether you’re litigating in front of a judge or negotiating against a plaintiff’s lawyer, the number one thing you need to be is credible. If you’re credible and honest, you’ll be in the best position to get the right results for your client, whether that’s winning the case or resolving it on the best terms you can get.”

— *As told to Joyce Hanson*

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2019 Rising Stars winners after reviewing more than 1,300 submissions. Attorneys had to be under 40 years old as of April 30, 2019, in order to be considered for this year's award. This interview has been edited and condensed.