

## MVP: Tycko & Zavareei's Hassan Zavareei

By **Anna Sanders**

Law360 (September 14, 2021, 1:28 PM EDT) -- Hassan Zavareei of Tycko & Zavareei LLP helped get a \$66 million settlement against Bank of America for illegal fees upheld, defeated an arbitration agreement that shielded Wells Fargo from litigation stemming from its overdraft practices and got a judge to approve a \$17 million settlement from Capital One, earning him a spot as one of **Law360's 2021 Class Action MVPs**.





**Hassan Zavareei**  
Tycko & Zavareei

### ***HIS BIGGEST ACCOMPLISHMENT THIS YEAR:***

This past spring, Zavareei helped obtain a \$10.5 million settlement from Wells Fargo by defeating an arbitration agreement that insulated the company from class action litigation stemming from unlawful overdraft practices. Zavareei was integral in getting a judge to approve **a \$17 million settlement** from Capital One in December over the bank's overdraft fee practices for some 340,000 customers, and in January he helped Apple customers who bought supposedly sweat-resistant headphones that failed from exposure to moisture. His work also led to a district court in March granting class certification to Fifth Third Bank customers who were charged significant and undisclosed interest rates in "early access" or payday loans.

But Zavareei said his biggest accomplishment was when the Ninth Circuit upheld a \$66 million class action settlement against Bank of America in September 2020, noting in its ruling that "class counsel demonstrated tenacity and great skill" in the case. The victory was significant for Zavareei after years of litigation as co-lead counsel in the case because he not only secured millions for clients but forced the bank to stop charging customers for extra fees for having an "overdrawn balance" on top of typical overdraft fees. This will save customers an estimated \$1.2 billion over the next five years.

"When you feel like you're making a change that is lasting and permanent, and also affects people who are already struggling financially, that makes it particularly rewarding," he said.

Zavareei said he's done a lot of litigation on banks imposing unfair and unlawful overdraft fees, but this case was one of his most difficult.

"We were alleging the overdraft fees amounted to interest on loans," he said. "Most courts ruled against that, but we were able to convince the district court of that and then able to settle the case after we did."

### ***HIS BIGGEST CHALLENGE THIS YEAR:***

Like many attorneys in the last year, almost all of Zavareei's cases slowed down or halted temporarily during the coronavirus pandemic. This made work tricky for a contingency firm where Zavareei's "lifeline is making cases move," he said.

"That was a real challenge," Zavareei said.

Still, the firm ended up working with other law shops to develop COVID-19 litigation, including bringing cases against airlines that failed to refund consumers for canceled flights.

"We've got a case against Delta Air Lines and a case against Southwest we're running that are going well," he said. "We also brought cases against universities that kicked their kids off campus but then continued to charge them full tuition and didn't refund, in some cases, room and board, and fees that are based on services that they were no longer getting. So we used the time productively but really it was quite a challenge."

### **WHY HE'S A CLASS ACTION ATTORNEY:**

Zavareei said he went to law school to gain skills and knowledge "to help people." After graduating from the University of California, Berkeley School of Law, he worked at Gibson Dunn & Crutcher LLP in Washington, D.C., before co-founding Tycko & Zavareei LLP with a colleague so he could have more control over his cases.

"I liked the work I was doing, but I didn't like the cases or the clients for the most part, other than a couple pro bono cases that I worked on," he said. "I felt like I was, in almost all cases, helping the folks that I thought didn't need help and were often doing more harm than good. It wasn't always the case, but it wasn't what I went to law school for."

The goal was always to do plaintiff-side litigation and class action work "that would be helping folks who were being exploited by big businesses," Zavareei said. Ultimately, this is what Zavareei said drives his work and what he dreamed about doing in law school.

"Every day, even the tough days, at least I feel like I'm doing something that I love, which is practicing law, and doing it for people who need help," Zavareei said, who is also secretary at the nonprofit Public Justice. "We're doing something to move the needle against the corporate exploitation that pervades pretty much all of our society and is particularly pernicious when it comes to poor people and people of color."

### **HIS ADVICE FOR JUNIOR ATTORNEYS:**

Zavareei said junior attorneys who want to make a difference should consider becoming class action litigators — and that they shouldn't be shy about leaving BigLaw firms.

"There are a number of really fantastic firms that do class action litigation," Zavareei said. "You should be creative and think about opportunities out there that would give you a chance to get on the right side of things."

Careers in law are long and take different paths, so it's never too late to change course and be with a firm or organization that does work you find interesting, he added.

"It's not necessarily going to happen the first year, the first five years or the first 10 years," Zavareei said. "I don't think it's ever too late to make a change in direction if you're doing a different type of work or working at a big firm or working in government. If you want to do class action work helping people fight unlaw and unjust behavior, just keep at it, keep trying."

Anyone interested in class action litigation should reach out to attorneys like him who have been doing this for a long time, Zavareei said.

"Talk to them and get some ideas to help you come up with a plan to get to where you want to be," he said. "You'll find that there is a law firm or organization out there doing work that can make you feel proud of what you're using your privilege and your education for."

— *As told to Anna Sanders*

*Law360's MVPs are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals and complex global matters. A team of Law360 editors selected the 2021 MVP winners after reviewing nearly 900 submissions.*