

District of Columbia

District of Columbia litigation stars

Successful appellate firms in the DC Circuit invariably maintain a stacked bench replete with former government attorneys and US Supreme Court law clerks who, after their tenure with the government, bring their sharply honed appellate skills to bear on the private sector. The federal government has a defined appellate bar, with solicitors general arguing federal appeals on behalf of the government. Although the US Court of Appeals for the District of Columbia encompasses the smallest geographic location, it lacks the collegial traditions of the smaller circuits. The DC Circuit hears more federal agency decisions than any other circuit in the country.

District of Columbia litigation firms

Highly recommended

Bancroft
Cooper & Kirk
Covington & Burling
Gibson Dunn & Crutcher
Jones Day
Kellogg Huber Hansen Todd Evans & Figel
King & Spalding
Latham & Watkins
Mayer Brown
O'Melveny & Myers
Robbins Russell Englert Orseck Untereiner & Sauber
Sidley Austin
Skadden Arps Slate Meagher & Flom
Williams & Connolly
WilmerHale

Recommended

Akin Gump Strauss Hauer & Feld
Arnold & Porter
Baker Hostetler
Farr & Taranto
Fulbright & Jarowski
Jenner & Block
Kaye Scholer
Law Offices of Gregory L. Poe
McDermott Will & Emery
MoloLamken
Stephens & Johnson
Vinson & Elkins

Miller Baker
McDermott Will & Emery

Scott Ballenger
Latham & Watkins

Frederick Beckner
Sidley Austin

Lisa Blatt
Arnold & Porter

Richard Bress
Latham & Watkins

Michael Carvin
Jones Day

Paul Clement
Bancroft

Charles Cooper
Cooper & Kirk

Walter Dellinger
O'Melveny & Myers

John Elwood
Vinson & Elkins

Roy Englert
Robbins Russell Englert Orseck Untereiner & Sauber

John Estes
Skadden Arps Slate Meagher & Flom

Jonathan Franklin
Fulbright & Jaworski

David Frederick
Kellogg Huber Hansen Todd Evans & Figel

Andrew Frey
Mayer Brown

Greg Garre
Latham & Watkins

Kenneth Geller
Mayer Brown

Joseph Guerra
Sidley Austin

Heidi Hubbard
Williams & Connolly

Peter Huber
Kellogg Huber Hansen Todd Evans & Figel

John Hughes
Sidley Austin

Thomas Hungar
Gibson Dunn & Crutcher

Peter Keisler
Sidley Austin

Michael Kellogg

Kellogg Huber Hansen Todd Evans & Figel

Jeffrey Kushan

Sidley Austin

Jeffrey Lamken

MoloLamken

Robert Long

Covington & Burling

Maureen Mahoney

Latham & Watkins

Patricia Millett

Akin Gump Strauss Hauer & Feld

Randolph Moss

WilmerHale

Glen Nager

Jones Day

Jennifer O'Connor

WilmerHale

Theodore Olson

Gibson Dunn & Crutcher

Mark Perry

Gibson Dunn & Crutcher

Carter Phillips

Sidley Austin

Gregory Poe

The Law Offices of Gregory L Poe

David Rivkin, Jr

Baker Hostetler

Steven Rosenthal

Kaye Scholer

Kannon Shanmugam

Williams & Connolly

Paul Smith

Jenner & Block

Sri Srinivasan

O'Melveny & Myers

Steven Reed

Steptoe & Johnson

Evan Tager

Mayer Brown

Richard Taranto

Farr & Taranto

Andrew Tulumello

Gibson Dunn & Crutcher

Seth Waxman

WilmerHale

Highly recommended firms**Bancroft**

With a relatively small bench, Bancroft maintains a bench strength fortified by seasoned former government attorneys and officials. The firm is led by former Assistant Attorney General Viet Dihn. Bancroft carries the distinction of every partner at the firm having argued successfully before the US Supreme Court. An effective and formidable appellate firm, Bancroft argues potentially impactful and high-stakes cases at every stage of the litigation. The firm offers comprehensive and holistic Supreme Court and federal appellate litigation, petitioning the high court for *certiorari* on behalf of clients, filing amicus curiae, and defending and taking appeals. Bancroft's bench has litigated appeals in every circuit and in numerous state appellate courts, handling cases across most substantive practice areas, including agency appeals before the DC Circuit, antitrust, class actions, commercial, copyright, criminal, employment, environmental, ERISA, FDA, health care, national security, patent, pre-emption, professional liability, RICO, and all constitutional issues. The firm also litigates patent appeals before the Federal Circuit.

Paul Clement is consistently recommended by peers for Supreme Court and federal appellate litigation. This past year, Clement left King & Spalding to join Bancroft when King & Spalding decided to withdraw from its representation of the Republican Majority of the House of Representatives in its battle over the Defense of Marriage Act. In his capacity at Bancroft, Clement was able to continue his representation of the House of Representatives and fight to keep the Defense of Marriage Act in place. Having argued more than 50 cases before the US Supreme Court, Clement's résumé seems tailored for federal appellate litigation in the DC Circuit. Prior to joining King & Spalding, Clement worked as a United States Solicitor General under President George W Bush. Following his graduation from Harvard Law School Clement clerked for Judge Laurence H Silberman of the US Court of Appeals for the DC Circuit, and for Associate Justice Antonin Scalia of the US Supreme Court.

Cooper & Kirk

DC-based Cooper & Kirk is a litigation boutique specializing in federal and state court representation of commercial and constitutional disputes. The firm has most recently represented Bank of America in a breach of contract case against the United States where Cooper secured an \$18 million trial verdict; the State of Tennessee in two appeals securing court approval of Medicaid reforms worth hundreds of millions of dollars to the state; and Ford Motor Company in disputes with the Customs Department and the Defense Department. As a 10-year-old boutique, the firm continues to add high-

profile clients, offering comprehensive appellate services with the personal attention of a small staff.

Firm chairman and founding partner **Charles Cooper** served as the Assistant Attorney General for the Office of Legal Counsel prior to joining the private sector. Combined, Cooper has more than 25 years of legal experience in government and private practice, and has litigated numerous times before the US Supreme Court. In addition to litigating in the areas of constitutional and civil rights litigation, he represents clients in commercial cases such as antitrust, intellectual property, and contract disputes. Cooper also represents government entities and private individuals in constitutional and federal statutory litigation. He is also a member of American Academy of Appellate Lawyers.

Covington & Burling

Covington & Burling is headquartered in Washington DC and employs more than 450 lawyers from its worldwide offices. In addition to its DC office, Covington & Burling maintains offices in Beijing, Brussels, London, New York, San Diego, San Francisco, and Silicon Valley. The firm's litigation department is comprised of trial lawyers and appellate specialists, all of whom bring an abiding expertise and depth of experience to all representative matters. The litigation attorneys at the firm have represented a diverse array of clients, and its representative matters include defending Sony BMG Music Entertainment against a class-action suit where plaintiffs alleged failure to pay proper royalties for digital music downloads and ringtones. The firm has also recently represented the National Football League, defending them in a range of antitrust matters, including those that addressed licensing of intellectual property, franchise relocation, and ownership rules. The firm has also most recently represented Samsung in a patent infringement case.

One client has notes that "Covington has been representing us for 20 years. We highly recommend them and continue to use their services. We selected the firm after two recommendations based on experience. Since that first project, our work with Covington has expanded and we use them for all of our litigation business. The firm's appellate attorneys are always logical and extensively prepared. The attorneys take the time to explain everything to us patiently and carefully, with excellent communication."

Robert Long, chair of the firm's Supreme Court and Appellate litigation group, is a DC-based partner who litigates appeals, antitrust, and administrative law. He has argued 16 cases before the US Supreme Court and has briefed hundreds more in state and federal appellate courts. He is a former law clerk to Justice Lewis F Powell, Jr., of the US Supreme Court. "We stay with Covington because Robert Long gets great results. Even

if we use other counsel for the district court matter, we always retain Covington for the appeal,” says a client.

Gibson Dunn & Crutcher

The majority of Gibson Dunn & Crutcher’s appellate practice is located in Washington DC, and business and constitutional disputes are some of the more common issues handled by the firm’s celebrated appellate attorneys. The firm has 17 offices worldwide, with appellate attorneys in each office who argue appeals in every district, at the state and federal level. “Gibson Dunn has represented us for three years. We retained them because they have the ability to find ways to get things done that others dismissed as impossible, and because of their creativity and their ability to adopt and internalize the company’s vision,” enthuses a client.

Gibson Dunn maintains an exceptionally strong bench in the DC Circuit. **Thomas Hungar**, **Theodore Olson**, **Mark Perry**, and **Andrew Tulumello** are all recommended in the DC Circuit for appellate litigation. Hungar is a partner in the Washington DC, office and Co-Chair of the firm’s Appellate and Constitutional Law Practice Group. His practice focuses on appellate litigation and he has presented oral argument before the Supreme Court of the United States in 24 cases in a variety of practice areas. Hungar is a former US Deputy Solicitor General. Olson was involved in *Perry v. Schwarzenegger*, where he teamed up with David Boies to fight California’s Proposition 8, which forbade gay marriage. Perry and Tulumello are also partners in the DC office, and their practice involves appeals and a variety of substantive practice areas. The firm maintains an incredibly diverse practice. In addition to cases in the DC Circuit, Gibson Dunn has handled some of the most salient cases litigated over the course of the past year in other circuits. The firm represented Wal-Mart in the landmark *Wal-Mart v. Dukes* employment discrimination class-action case. This past year, the firm also successfully represented Citizens United in *Citizens United v. Federal Election Commission*, which was decided on January 21, 2010.

Jones Day

DC-based Jones Day has an appellate practice staffed by 67 lawyers, including 29 partners across the firm’s domestic offices. Jones Day’s Issues & Appeals lawyers represent defendants and plaintiffs, appellants and appellees, in a wide variety of jurisdictions and subject areas. Distinctive among appellate groups, Jones Day’s Issues & Appeals lawyers possess broad skills and deep experience across a wide range of substantive areas. The firm’s appellate lawyers provide a full array of legal services, generally seeking out potentially impactful and more significant appeals. The appellate practice consists of nationally recognized trial and appellate lawyers who have argued before the United States Supreme Court and courts at every state and federal court level. The firm’s bench strength is built on the experiences of lawyers who have served in government policy and litigation positions, including Deputy Attorney General, Principal Deputy Solicitor General, and United States Attorney. Next to DC, the firm’s largest appellate practice is based in the Second Circuit in New York, with 11 appellate attorneys.

Michael Carvin and **Glen Nager** are partners with the firm and based in the DC office. Carvin litigates constitutional, appellate, civil rights, and civil cases against the federal government. He has argued dozens of appeals in almost every US Circuit Court of Appeals. In 2000, he argued *Bush v. Gore* on behalf of George W Bush before the Florida Supreme Court. Nager has argued 13 cases before the US Supreme Court and he chairs the Firm’s Issues & Appeals Practice. He has litigated in diverse practice areas including antitrust, civil rights, employment, environmental law, government contracts, and intellectual property, class actions and discrimination defense. He currently represents General Electric, CBS, IBM, and Sodexo.

Kellogg Huber Hansen Todd Evans & Figel Kellogg Huber Hansen Todd Evans & Figel employs over 50 attorneys, many of whom shape the firm’s appellate practice with their litigation talents honed as government attorneys and US Supreme and Federal appellate court clerks. Nearly one-third of the firm’s attorneys have clerked for Supreme Court justices. The firm’s roster includes former Assistant United States Attorneys, Assistants to the Solicitor General, and former Assistant Attorney Generals. The firm litigates appeals in general commercial litigation, Supreme Court and appellate litigation, antitrust, class actions, governmental investigations, intellectual property, products liability, securities fraud, telecommunications, and white-collar criminal defense.

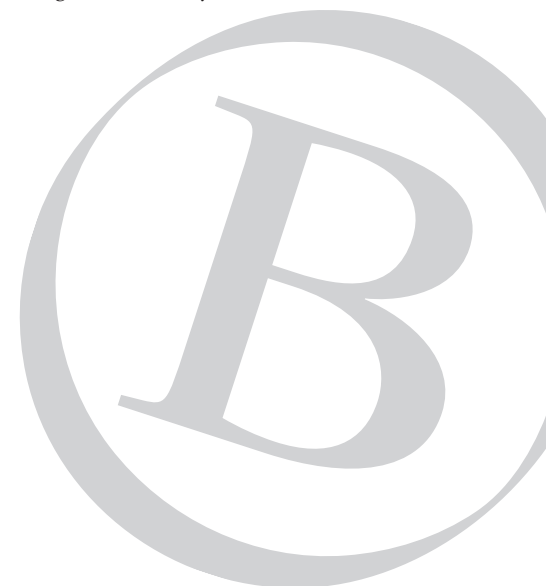
Over the course of the past six years, the firm’s appellate attorneys have argued 20 cases before the Supreme Court, including

Bell Atlantic Corp. v. Twombly and *Pacific Bell Telephone Co. v. linkLine Communications, Inc.*, to name a few. **Michael Kellogg** is a former assistant to the Solicitor General in the US Department of Justice, **Peter Huber** is a former clerk for Supreme Court Justice Sandra Day O’Connor, and **David Frederick** is a former assistant to the Solicitor General and US Supreme Court Clerk. All three are recommended for appellate litigation in the DC Circuit.

King & Spalding

King & Spalding maintains its appellate headquarters in Washington DC, but still retains a highly recommended appellate practice in its home base of Atlanta. King & Spalding’s appellate lawyers practice at both the federal and state level, with experience handling appeals in the US Supreme Court and in all of the federal courts of appeals. In addition to coming highly recommended by peers, King & Spalding is also highly recommended by its clients. “We required a firm with a recognized stature and knowledge of process and procedure to represent us before the US Supreme Court in very complex proceedings involving an adverse state court decision,” says one client. Another cheers, “I would rank King & Spalding as one of the best both in advocacy and client service.”

In addition to being recommended in the Federal Circuit, **Daryl Joseffer** is also recommended by his peers and clients for appellate litigation in the DC Circuit. He is a former government attorney who built his appellate acumen in service as the Principal Deputy Solicitor General and former Assistant to the Solicitor General. As Solicitor General, Joseffer argued major patent, pharmaceutical, environmental, and energy cases before the Supreme Court, including *Microsoft v. AT&T* and *Merck KGaA v. Integra Lifesciences I, Ltd.* involving patent infringement liability issues.



Latham & Watkins

With more than 50 attorneys, Latham & Watkins' Supreme Court and Appellate Practice is informed and shaped by the experiences of a former US Solicitor General, a former Deputy Solicitor General and a former Assistant to the Solicitor General. The firm's appellate attorneys have argued dozens of cases before the US Supreme Court and have litigated in every US federal court of appeals. Latham's appellate practice offers wide-ranging representation and consultation at every stage of the litigation, including pre-trial briefing. In addition to oral argument and briefing on the merits, the appellate group prepares petitions for *certiorari* and briefs in opposition to *certiorari*, and *amicus curia*. Latham's appellate group adheres to the notion that the best appellate attorneys are substantive area generalists, and that this approach to a specific practice area is most conducive to litigating an appeal before an appellate judge, who is not unlike the technically unsophisticated juror.

Maureen Mahoney is the founder of the firm's Supreme Court and appellate practice and served as the United States Deputy Solicitor General. Mahoney represented the University of Michigan before the Supreme Court and won one of the cases upholding the constitutionality of admissions programs that consider race as one of many factors. She is a member of the American Academy of Appellate Lawyers and the American College of Trial Lawyers. **Scott Ballenger** previously served as a law clerk on the United States Court of Appeals for the Ninth Circuit and as a law clerk to the Honorable Antonin Scalia before joining the Latham & Watkins. Last Supreme Court term, Ballenger briefed and argued two cases, including a victory for Union Pacific Railroad Company in *Kawasaki Kisen v. Regal-Beloit Corp.* Ballenger was the principal author of the winning briefs for the University of Michigan Law School in *Grutter v. Bollinger*, 539 US 306 (2003) where the US Supreme Court established a holding solidifying affirmative action programs in higher education. **Richard Bress** has handled US Supreme Court and appellate litigation for a diverse client base that includes the United States House of Representatives, AOL, The Capital Group Companies, DirecTV, Geico, HCA, Mirant, Molten Corporation, Monsanto, PG&E, Prometheus Laboratories and Sithe Energies. He has argued seven cases in the US Supreme Court and is a frequent writer and lecturer on appellate advocacy issues. Before joining the firm, Bress built his appellate advocacy skills while serving as an Assistant to the Solicitor

General of the United States. **Gregory Garre** is also a partner in the firm's DC office, and Global Chair of the firm's Supreme Court and Appellate Practice Group. He is the former Solicitor General of the United States and has argued 30 cases before the Supreme Court, including high-profile cases such as *Asbcroft v. Iqbal*, *Monsanto v. Geerston Seed Farm*, *Christian Legal Society v. Martinez*, and *FCC v. Fox Television Stations, Inc.*

Mayer Brown

Mayer Brown's appellate practice is comprised of an integration of appellate specialists and general litigators. The firm's appellate practice handles a broad array of issues such as pre-emption, arbitration, punitive damages and a great number of narrower issues, and the appellate group is structured with attorneys who have expertise in different practice areas, covering a wide expanse of issues that matter business clients. Mayer Brown's appellate lawyers have argued 222 cases before the Supreme Court, more than any other firm. In addition, the firm has filed briefs in dozens of other Supreme Court cases, and is retained by clients to litigate appeals throughout all circuits. Mayer Brown has assembled a deep bench of advocates, each with his or her own areas of substantive expertise.

Andrew Frey, **Kenneth Geller**, and **Evan Tager** are all recommended for federal appellate litigation in the DC Circuit. **Andrew Frey** focuses on US Supreme Court and federal appellate practice, and he is known as one of the most victorious and frequent presenters before the US Supreme Court. He has argued more cases before the Supreme Court than any other attorney in private practice. Frey often serves as a strategic consultant for other attorneys on appellate litigation. He served as the Deputy Solicitor General in the US Department of Justice for 13 years and clerked for the Honorable George T Washington of the US Court of Appeals for the District of Columbia Circuit. Also based in the firm's DC office, managing partner **Kenneth Geller** has argued more than 40 cases before the US Supreme Court and briefed hundreds more. **Evan Tager** provides comprehensive service for business clients, arguing and briefing issues involving punitive damages, class certification standards, and admissibility of expert testimony.

Skadden Arps Slate Meagher & Flom

The appellate lawyers at Skadden Arps Slate Meagher & Flom handle a range of services relating to appeals and related legal issues, including briefing and arguing appeals on the merits, preparing and opposing petitions for review in the US Supreme Court and in state supreme courts, providing advice and assistance in briefing significant legal issues at the trial court level, advising clients on appellate issues during and after trial, handling agency appeals before various regulatory bodies; and preparing *amicus curiae* briefs. Skadden's appellate lawyers litigate before the US Supreme Court and all US Courts of Appeals.

John Estes comes recommended by his peers in the DC Circuit for appellate litigation. In addition to his focus on complex FERC agency and appellate litigation, John Estes has argued 23 cases in the US Courts of Appeals. He recently briefed and argued the New England "ICR" case, prevailing when the DC Circuit affirmed FERC's jurisdiction over a critical component of capacity markets.

WilmerHale

WilmerHale maintains a large intellectual property practice, and as a whole the firm argues more cases in the Federal circuit than in any other. Over the course of a year, the firm may argue almost 50 patent appeals before the Federal Circuit. "We chose WilmerHale to represent us because their appellate expertise is unrivaled. Seth Waxman was excellent, and I have not used other law firms for appellate litigation," raves a client. With an understanding the Federal Circuit is heavily watched by US Supreme Court because of the substantial economic impact decisions emanating from that circuit, the appellate attorneys at WilmerHale remain highly trained in revolutionary technologies and are some of the most effective appellate litigators in the Federal Circuit. By patenting their innovations, and by protecting their client's patents, WilmerHale's appellate and patent attorneys increase the value of their intellectual property and enhance their ability to compete in the marketplace. In 2009, the firm obtained more than 350 US and foreign patents for their clients.

Former US Solicitor General **Seth Waxman** is a partner in the firm's Regulatory and Government Affairs and Litigation Departments, and the chair of the Appellate and Supreme Court Litigation Practice Group. He is one of the most revered appellate attorneys in the country. A dynamic

litigator, he has substantial trial and appellate experience. He is a member of the American Academy of Appellate Lawyers, but is also an astute trial attorney, having spent the first 17 years of his practice as a trial litigator. Waxman's practice spans both federal and state trial and appellate courts, and he has delivered 56 oral arguments in the US Supreme Court and many more in the lower federal and state courts. Waxman has prevailed on pivotal constitutional litigation before the US Supreme Court. He won a landmark ruling including *Boumediene v. Bush*, in which the Court ruled that foreign citizens held at Guantanamo Bay have rights under the Constitution to challenge their detention in US civilian courts, and *Roper v. Simmons*, in which the Court declared unconstitutional the death penalty for juvenile offenders, amongst others cases.

Recommended firms

Akin Gump Strauss Hauer & Feld

Akin Gump Strauss Hauer & Feld is recommended for its appellate and Supreme Court practice. Akin Gump regularly litigates appeals in all federal courts. The firm litigates in the substantive areas of administrative law, advertising, alter ego, antitrust, attorneys' fees, bankruptcy, billboards, class actions, complex business disputes, computer software, constitutional law, construction disputes, contracts, copyrights, criminal sentencing, defamation, divorces, docudramas, domestic and international arbitrations, drug testing, employment discrimination, and federal preemption, to name only a few. The firm's broad area of expertise is indicative of its sizeable and seasoned bench. **Patricia Millett** is the head of the firm's Supreme Court practice and co-heads the firm's national appellate practice. She has argued 28 cases before the US Supreme Court, including *Samantar v. Yousuf* and *Kalina v. Fletcher*. For more than a decade, Millett served as an assistant solicitor general at the US Department of Justice. Additionally, she is former clerk to the US Court of Appeals for the Ninth Circuit and former appellate attorney in the Department of Justice's Civil Division.

Vinson and Elkins

With an appellate practice formed in 1990, Vinson & Elkins' appellate lawyers handle litigation for long-time clients, as well as special issues for clients referred to them at the appellate stage. The attorneys in this practice group prepare and respond to post-verdict motions; review the trial record; analyze and research legal issues; and, of course, prepare appellate and amicus briefs. Based in Texas, the firm operates throughout the South and has proven equally effective in other US Courts of Appeals and before the US Supreme Court. "I selected Vinson & Elkins because of their experience and success in defending the types of litigation and in the appellate work our company is most involved. I also chose them because of their responsiveness, creativity/strategic capability, and their ability to set and manage a budget," cheers a client. **John Elwood** is recommended by peers and clients in the DC Circuit for appellate litigation. He litigates in state and federal courts, and before the Supreme Court in the substantive practice areas of constitutional, criminal, administrative, employment, and environmental law. Over the course of his career Elwood has briefed or argued more than 15 cases before the US Supreme Court and has briefed more than a 100. He is a former senior Deputy in the Office of Legal Counsel, where he advised the White House and senior agency officials on constitutional, statutory, and regulatory matters. In one of the most controversial and divisive Supreme Court decisions of the last decade, Elwood argued on behalf of Castle Rock, Colorado in *Castle Rock v. Gonzales*, persuading the Supreme Court to find that the holder of a restraining order lacks a procedural due process right to enforce the order. More recently, Elwood has argued *Nevada Commission on Ethics v. Carrigan*, where he successfully persuaded the court to find that conflict of interest rules governing state officials do not infringe First Amendment speech rights.



PAUL J McNULTY

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As head of the business crimes and investigations practice group and chair of Baker & McKenzie's global corporate compliance steering committee, Mr. McNulty leads a team of 175 former prosecutors and corporate lawyers with extensive investigatory experience and unmatched global capability. This team includes one of the largest contingents of former US Department of Justice prosecutors, state prosecutors and SEC and other regulators, as well as corporate lawyers and litigators who have extensive experience assisting companies with their compliance efforts.

Mr. McNulty's practice mainly focuses on litigation, business crimes and investigations. He conducts internal investigations, offering strategic counsel for dealing with the US government, and advising on best practices for compliance with US and international legal requirements and regulations. Mr. McNulty has extensive experience counseling companies within industries that have been identified as of particular interest to the Department of Justice, including pharmaceutical companies, and has advised them in regard to compliance in their operations in jurisdictions around the world. In addition, he provides strategic advice and counsel to leaders at the highest levels of federal and state government – including governors, attorney generals and top congressional and executive leaders.

For more than two decades, Mr. McNulty played a leading role in shaping US law enforcement policy. From 2005 to 2007, he served as US deputy attorney general, the second highest-ranking official in the Department of Justice and chief operating officer of its more than 100,000 employees. In that role, he chaired the President's Corporate Fraud Task Force, where he oversaw several high-profile corporate fraud prosecutions. Mr. McNulty also served as the Justice Department's representative on the committee on foreign investment in the United States (CFIUS) where he negotiated mitigation agreements involving international companies. Mr. McNulty has held other high-level positions in the United States Government, including US attorney for the Eastern District of Virginia, chief counsel for the majority leader of the US House of Representatives, chief counsel for the House Judiciary Committee's subcommittee on crime, principal associate deputy attorney general, and director of policy and communications at the US Department of Justice.

McDermott Will & Emery

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Co-chairs: Jeffrey E Stone, Peter JSacripanti

Number of partners: 523

Number of other lawyers: 529

Firm Overview

McDermott Will & Emery is a leading international firm with a diversified business practice. For more than 75 years, our lawyers have served a broad range of client interests and understand the issues faced by corporate decision makers. We know how economic, social and political issues affect operations because our lawyers have navigated the complex business and regulatory environment themselves.

Litigation Overview

Clients turn to the litigation lawyers of McDermott to manage their toughest challenges. McDermott connects clients with skilled litigation lawyers who provide winning strategies for bench and jury trials, arbitrations and alternative dispute resolutions, including mediations and summary jury trials.

Our experienced team engages in every aspect of civil, regulatory and commercial defense litigation in:

- Antitrust
- Appellate advocacy
- Class action
- Intellectual property
- International arbitration
- International trade
- Labor and employment
- Product liability
- Securities
- Trade regulation
- White-collar and securities

McDermott lawyers take on the most demanding cases for clients across many industries, including aviation, consumer products, energy, environmental, financial, health care, hospitality, insurance, life sciences and technology. In addition to our work for public companies, we work with McDermott's private client, tax and corporate lawyers to serve privately held companies and individual clients in matters requiring special sensitivity and discretion. Our lawyers also handle emergency situations such as temporary restraining orders and preliminary injunctions.

We understand each case presents different facts, issues and objectives, and we tailor our staffing and strategy appropriately. McDermott has handled thousands of mediations, arbitrations, trials and appeals. Our litigation lawyers have successfully argued appeals before the Supreme Court of the United States, the 13 judicial circuits of the US appellate courts and numerous state appellate courts. Outstanding client service is a cornerstone of our practice—one that has withstood the test of geography, economy and time. We are proud of the recognition we have received from clients for our commitment to service, and we consider their satisfaction the best measure of our success.

Offices

McDermott has offices in Boston, Brussels, Chicago, Düsseldorf, Houston, London, Los Angeles, Miami, Milan, Munich, New York, Orange County, Paris, Rome, Silicon Valley and Washington, DC. The Firm has a strategic alliance with MWE China Law Offices (Shanghai).

SIDLEY AUSTIN LLP

SIDLEY

Firm Overview

Sidley Austin is one of the world's premier law firms, with a practice highly attuned to the ever-changing international landscape. The firm has built a reputation for being a powerful adviser for global businesses, with approximately 1700 lawyers in 17 offices worldwide. Sidley maintains a commitment to providing quality legal services wherever they are needed, offering advice in litigation, transactional and regulatory matters spanning virtually every area of law. The firm's lawyers leverage their diversity of knowledge and wide-reaching legal backgrounds with a dedication to teamwork, collaboration and superior client service.

Recognition

The firm has been recognized by its clients and by the media for its leadership in its litigation, transactional and international practices.

- Sidley is one of just three firms to have been in the top 10 of the *BTI Client Service* rankings every year since the inception of those rankings in 2001.
- Sidley received the most first-tier national rankings of any US law firm in the inaugural *US News – Best Lawyers: Best Law Firms* rankings for 2010.
- Sidley was named USA Law Firm of the Year 2011 in the *Who's Who Legal* awards.
- Sidley was named as one of the top 25 national corporate law firms in *Corporate Board Member* magazine's 2011 survey of corporate directors and general counsel, ranking America's Best Corporate Law Firms.
- Sidley consistently ranks among the top global capital markets firms in the *Thomson Reuters* league tables, with strong showings as both issuer and underwriter counsel in US debt and equity and international, Asia Pacific and Australia bonds.

Pro Bono

Pro bono service is an important component Sidley builds into daily work life, with the firm's lawyers devoting an average of almost 100,000 hours to pro bono service each year for the last three years. Such efforts include Sidley's role as a founding member of a national program of the Pro Bono Institute, National Veterans Legal Services Program and the American Legion, which provides assistance to wounded veterans.

Diversity

Sidley is one of the staunchest proponents of law firm diversity, embracing uniqueness in background, experience and viewpoints for a greater wellspring of talent. In 2011, the Women in Law Empowerment Forum included Sidley in its list of law firms qualifying for its new Gold Standard Certification – a designation for firms that have integrated women in top leadership positions and compensated them well. Sidley also received a perfect 100 score on the Human Rights Campaign's 2011 *Corporate Equality Index* (CEI) report, which evaluates companies based on their support for their LGBT employees.

Litigation Practice

Sidley has a litigation department of extraordinary depth and range that delivers outstanding results to its clients at every stage of the litigation process. Beyond its many litigation victories, some of the main areas that distinguish Sidley from its peers are its: premier US Supreme Court practice; cross-border litigation capabilities in the WTO and other international tribunals and IP litigation practice, which was named the IP Team of the Year by *Chambers USA* in 2011. More than 800 lawyers in the firm are engaged in litigation or related dispute resolution activities.

Recently, the firm was recognized for its work for American Electric Power Company, where Sidley secured a unanimous US Supreme Court victory in "the biggest-ever case on the issue of global warming," and for Microsoft, where the Federal Circuit vacated a \$358 million verdict in a closely watched patent case involving Microsoft's Outlook calendar function. Sidley's litigators have garnered victories in litigation ranging from mass products liability claims against GE regarding gadolinium-based MRI contrast agents, to patent disputes involving Blackberry smartphones manufactured by Research in Motion (RIM), to consumer fraud claims against Taco Bell regarding the beef content in products sold to more than two billion consumers. The firm continues to represent Citigroup in one of the largest private antitrust class actions in US history, challenging the fees and rules set by Visa and MasterCard. Sidley also continues its representation of Bank of America in litigation involving the Parmalat matter, described as "one of the largest and most brazen corporate financial frauds in history."

Sidley's litigators are at the forefront in the most important issues facing the industries in which its clients operate. *United States v. Harkonen*, for example, involves the prosecution of a pharmaceutical executive in a case testing the government's power to criminalize the expression of scientific conclusions with which it disagrees. Sidley plays a leading role in highly publicized climate change litigation across the country. It is currently defending three of four existing cases at the district and appellate levels involving tort claims involving greenhouse gas emissions.

Sidley's appellate team includes more than 80 lawyers nationwide with 18 former Supreme Court clerks. Its lawyers have briefed more than 190 cases on the merits since the practice began in 1985 and have argued more than 95 cases before the High Court. Ten Sidley lawyers have argued before the Supreme Court, and Sidley partner Carter Phillips has argued 71 cases in that court—more than any other lawyer in private practice.

Sidley has played a significant role in every recent term of the Supreme Court, and typically is involved in around 40% of the cases on the Supreme Court's docket. In the 2010 Term, Sidley represented parties in nine cases on the merits, and amicus in 15 others, and argued six cases. Sidley Partner Peter Keisler (former acting US attorney general) argued, and won unanimously, the high-profile case concerning global warming.

Sidley has substantial international dispute resolution capabilities in fora such as the World Trade Organization (WTO). Members of Sidley's WTO team have been involved in approximately 230 of the last 400 disputes brought before the WTO—more than any other law firm. Recent matters include representations of the governments of Norway, Brazil and Japan; AT&T and Anheuser-Busch. The firm recently prevailed in cases answering important questions about WTO procedures to protect sovereign markets from international inter-market predatory pricing, including worldwide import and export subsidies and "anti-dumping," trade-related aspects of intellectual property rights, export subsidies and market access.