

APPELLATE HOT LIST

| A SPECIAL REPORT

Our 2017 special report features an elite group of lawyers and law firms that posted hard-fought wins at the U.S. Supreme Court or in federal circuit courts. How do they do it? Luckily, these appellate aces offer great advice: listen to colleagues, answer the question, read good writing and, in oral argument, position yourself like a jazz musician—always be ready to improvise. Presenting this year's honorees in their own words, edited for clarity and length.

—Lisa Helem

MoloLamken

■ **TELL US ABOUT YOUR TOP U.S. SUPREME COURT OR FEDERAL CIRCUIT COURT VICTORY OVER THE PAST YEAR AND HOW YOU AND YOUR TEAM ACHIEVED THE WIN.** Our top Supreme Court win was *Hasty v. Abbasi*. Early on, we identified cert.-worthy issues of interest to the Supreme Court, carefully positioning them on appeal. When the Second Circuit panel partially ruled against us, we obtained a six-judge dissent from denial of rehearing en banc virtually urging the Supreme Court to take the case. Careful coordination with government counsel (including OSG), and a highly effective petition, prompted the Supreme Court to grant review on three questions presented. Exhaustive research and a meticulously crafted



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argument led to complete victory on the merits for our client.

■ **HOW DID YOUR FIRM APPROACH APPELLATE SUCCESS OVER THE PAST YEAR?** In every case, we invest the creativity, thought, time, and energy

necessary to produce high-caliber, game-changing legal work. We have only “A” teams—no “B” teams—and senior lawyers are deeply involved in the details at each step of each engagement.

■ **WHAT PRACTICE ADVICE WOULD YOU GIVE YOUR YOUNGER SELF?**

1. Listen and hear: Understanding the views of each team member, especially perspectives contrary to your preconceptions, is critical.

2. A good brief arranges the best arguments to tell a coherent and compelling story. Great briefs also subtly motivate courts, giving them ownership of your issues.

Response submitted by Jeffrey Lamken, a partner at MoloLamken.