

THE NATIONAL LAW JOURNAL

An **ALM** Publication

NLJ.COM | November/December 2021

2021 NLJ Awards: Professional Excellence

APPELLATE HOT LIST

MoloLamken

■ **Tell us about your top U.S. Supreme Court or federal appeals court victory over the past year and how you and your team achieved the win.** We

won two Supreme Court victories this year. In *AMG Capital v. Federal Trade Commission*, the Court ended decades of FTC overreach, unanimously rejecting the agency's practice of exacting monetary remedies under a statute that allows only equitable relief. The case marked Mike Pattillo's first Supreme Court argument, offering the bonus of contributing to a new crop of Supreme Court advocates. In *United States v. Arthrex*, the Court agreed with us that administrative patent judges were appointed in violation of the Constitution. In each case, the key to success was thorough, scorched-earth—almost archaeological—research matched to concise prose.

■ **What was your firm's key to appellate success over the past year?** 1) Keep it focused: Connect your arguments to familiar first principles wherever possible.

2) Keep it focused: Use accessible prose that distills complicated issues into a straightforward story.

3) Keep it focused: Prepare meticulously for argument, shoring up weaknesses while emphasizing strengths.



JEFFREY LAMKEN, PARTNER

■ **What is the most satisfying element of appellate practice, in your opinion?** The process of harnessing collective intelligence: Working with a group of brilliant and practical lawyers—including in-house counsel and often multiple firms—to find the perfect way to present the client's case.

■ **What's the most valuable lesson you learned as a young lawyer?** Be kind to everyone. It's the right thing to do. And what goes around comes around. ■