Miguel A. Estrada

Partner

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Miguel is a partner in the Washington, D.C. office of Gibson Dunn and Co-Chair of the firm's Judgment and Arbitral Award Enforcement Practice Group. Miguel has represented clients before federal and state courts throughout the country in a broad range of matters. He has argued 24 cases before the United States Supreme Court and briefed many others. He has also argued dozens of appeals in the lower federal and state courts.

Best Lawyers® recognized Miguel as a 2024 "Lawyer of the Year" in the categories of Appellate Practice and Intellectual Property Litigation. Miguel was recognized by *Benchmark Litigation* as a 2020 U.S. Appellate Litigation "Star." In 2014, *The American Lawyer* named him a "Litigator of the Year," praising his "brains and tenacity" and noting he is the lawyer to call for "a tough, potentially unwinnable case." Since 2014, *Chambers* has consistently named him as one of a handful of attorneys that ranked in the top tier among the nation's leading appellate lawyers. *Chambers* noted that "clients are impressed by his intellect and ability," with clients saying, "He's got a quick, sharp intellect and is a very effective advocate," and "He's razor-sharp in his thinking and has a real flair in his writing." *The Atlantic* described his oral argument in a 2014 high-profile separation-of-powers case as "one of the most dazzling arguments the marble chamber has heard in many years."

Miguel has been named among Lawdragon's 2026 "500 Leading Litigators in America" and acknowledged as one of *Lawdragon*'s "500 Leading Lawyers in America" for multiple years. In 2024, Miguel was ranked by *Legal 500 US* for his work in Dispute Resolution, recognized by *Who's Who Legal* 2023 in the category of Commercial Litigation, and featured in the *Washingtonian* Magazine as one of "Washington's top legal talent" in the Supreme Court category. Miguel was selected by his peers for inclusion in the 2022 edition of *The Best Lawyers in America*® in the area of Appellate Law, in addition to previous recognition by the publication in the specialties of Bet-the-Company Litigation, Commercial Litigation, Criminal Defense: White Collar, Intellectual Property Litigation, and Regulatory Enforcement Litigation in the areas of SEC, Telecom, and Energy. In 2017, he was elected as a member of the American Law Institute.

Representative Supreme Court matters include:

- In *Comcast Corp. v. Nat. Assn. African American-Owned Media* (2020), he persuaded the Court to hold that 42 U.S.C. 1981 requires plaintiffs to prove but-for causation, and to reject a "motivating factor" test borrowed from Title VII of the Civil Rights Act of 1964
- In *Coventry Health v. Nevils* (2017), he persuaded the Court to hold that insurance contracts entered by the Office of Personnel Management pursuant to the Federal Health Benefits Act of 1959 may validly preempt state and local anti-subrogation and anti-reimbursement laws.
- In *National Labor Relations Board v. Noel Canning* (2014), he represented the

Capabilities

Appellate and Constitutional Law
Anti-Corruption & FCPA
Antitrust and Competition
Crisis Management
Intellectual Property
Judgment and Arbitral Award Enforcement
Law Firm Defense
Mass Torts and Product Liability
White Collar Defense and Investigations

Credentials

Education

Harvard University - 1986 Juris Doctor
Columbia University - 1983 Bachelor of Arts

Admissions

New York Bar
District of Columbia Bar

Clerkships

US Supreme Court, Hon. Anthony M. Kennedy, 1988 - 1989
US Court of Appeals, 2nd Circuit, Hon. Amalya L. Kearse, 1986 - 1987

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Republican caucus of the United States Senate in successfully urging the invalidation of the President's recess appointments to the National Labor Relation Board.

- In *Comcast Corp. v. Behrend* (2013), he persuaded the Court to grant review of, and then reverse by a 5-4 vote, a certified antitrust class seeking $2.6 billion in damages.
- In *Black v. United States* (2010), he represented media magnate Conrad M. Black in securing Court review and reversal of multiple convictions under the "honest services" provisions of the federal mail and wire fraud statutes. Based on his arguments, the Supreme Court significantly narrowed the scope of conduct that can be prosecuted as "honest services" fraud.
- In *Laboratory Corporation of America Holdings v. Metabolite Laboratories, Inc.* (2006), he persuaded the Court to leave undisturbed a Federal Circuit ruling upholding the validity of a two-step process patent setting forth a method for diagnosing vitamin deficiencies.
- In *Northern Insurance Co. of New York v. Chatham County* (2006), he persuaded the Court to rule unanimously that counties are not entitled to invoke sovereign immunity in admiralty actions.
- In *Aetna v. Davila Health* (2004), he persuaded the Court to rule unanimously that federal law preempts state laws that give patients the right to sue managed care organizations.
- In *Strickler v. Greene* (1999), he argued on behalf of a death row inmate *pro bono* in a challenge to his conviction and sentence.

In 2011, the Supreme Court appointed Miguel to brief and argue two criminal cases—*Dorsey v. United States* and *Hill v. United States*—in which the Solicitor General declined to defend the judgments of the court of appeals. Miguel was also part of the team that successfully presented then-Governor Bush's position to the Supreme Court in *Bush v. Gore* (2000). Other cases that Miguel handled in the Supreme Court include *Granholm v. Heald* (2005) (dormant Commerce Clause and Twenty-First Amendment), *Vermont Agency of Natural Resources v. United States ex rel. Stevens* (2000) (False Claims Act, Article III standing and Eleventh Amendment immunity), *Old Chief v. United States* (1997) (rules of evidence), *United States v. Mezzanatto* (1995) (evidence and plea bargaining), *United States v. Robertson* (1995) (constitutional limits on Congress's Commerce Clause powers), *Citizens Bank of Maryland v. Strumpf* (1995) (bankruptcy law), and *NOW, Inc. v. Scheidler* (1994) (RICO).

Recent Court of Appeals matters include:

- Since 2017, Miguel has represented Crystallex International in district court and appellate proceedings to enforce Crystallex's $1.4-billion arbitral award against Venezuela; in those proceedings, Miguel successfully persuaded the district court to issue (and the Third Circuit to affirm) that Venezuela's national oil company, Petroleos de Venezuela, S.A. (PDVSA), is the alter ego of the Republic of Venezuela, thus permitting Crystallex to attach PDVSA's U.S. assets – and in particular the shares of the Delaware parent of CITGO Petroleum--to satisfy Venezuela's debt to Crystallex. Reporting on the 2019 four-hour oral argument in Venezuela's first of many attempted appeals, *The Financial Times* noted that among the lawyers for "Venezuela, PDVSA and a motley of creditors", Miguel "was the best litigator in the room." A judicial auction of those assets is expected in the summer of 2024.
- In *Standing Rock Sioux Tribe v. U.S. Army Corps of Engineers*, Miguel represented the owners of the Dakota Access Pipeline in challenges to the construction and, later, to the operation of the pipeline that were brought under various federal statutes by the Standing Rock Sioux Tribe and others; in 2021, he ultimately persuaded the D.C. Circuit to reverse an injunction that had ordered the pipeline shut down over purported violations of the National Environmental Policy Act.

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- In *Wit v. United Behavioral Health* (2022), Miguel persuaded the Ninth Circuit to reverse class actions judgments entered after trial under the Employee Retirement Income Security Act of 1974.
- In *Owner-Operated Independent Drivers Assn. v. Holcomb* (2021), Miguel persuaded the district court and the Seventh Circuit to dismiss with prejudice a complaint challenging increased tolls on state-owned roads as discriminatory under the Constitution's Commerce Clause.
- In *Atchafalaya Basinkeeper v. U.S. Army Corps of Engineers* (2018), Miguel persuaded the Fifth Circuit to grant an emergency stay of, and then reverse, an injunction under the Clean Water Act and the National Environmental Policy Act preventing construction of the Bayou Bridge Pipeline through southern Louisiana.
- In *Total Gas & Power North America v. FERC* (2017), Miguel represented a major energy producer in statutory and constitutional challenges to the authority of administrative agencies to withdraw from Article III courts the adjudication of claims for money penalties.
- In *Coquina Invs. V. TD Bank, N.A.*, 760 F.3d 1300 (11th Cir. 2014), persuaded the court to uphold a jury verdict and sanctions in fraud case arising out of a Ponzi scheme.
- In *FERC v. JPMorgan Ventures Energy Corp.* (D.C. Cir. 2013), argued two appeals on discovery issues arising out of FERC's investigation of alleged market manipulation; the investigation was closed by settlement before decisions were issued.
- In *Espenscheid v. DirectSat USA, LLC*, 705 F.3d 770 (2013), persuaded the court to reject class certification and collective-action treatment for overtime claims.
- In *Comcast Cable Communications, LLC v. FCC*, 717 F.3d 982 (D.C. Cir. 2013), persuaded the court to reverse an FCC decision in a program-carriage case.
- In *Georgia Pacific Consumer Prods. v. von Drehle*, 710 F.3d 527 (4th Cir. 2013), persuaded the court to reverse a judgement notwithstanding verdict in a trademark infringement case.
- In *Fox v. FCC*, 613 F.3d 317 (2d Cir. 2010), persuaded the court to invalidate the FCC's indecency policy under vagueness doctrine.

Other matters:

- Since 2008, Miguel represented Philip Morris and its parent Altria in complex litigation in federal and state courts, including the defense and appeal of the U.S. government's long-running RICO case against the tobacco industry, tort cases brought in Florida state and federal courts under *Engle v. Liggett Group* (2006), and affirmative litigation against federal and state governments on preemption, first amendment and administrative-law grounds.
- In 2014, Miguel represented a large financial institution in a tax dispute with the Commonwealth of Puerto Rico and was part of a team that prevailed in a bench trial.
- In 2013, Miguel represented the CEO of PokerStars, the largest online poker cardroom in the world, in settling civil-forfeiture claims by the U.S. Attorney for the Southern District of New York.
- From 2004 to 2009, Miguel defended Cessna in federal court litigation arising out of the largest airline disaster in Italian history, ultimately securing dismissal of most of the claims.
- From 1999 to 2005, Miguel was a lead attorney for Aetna in dozens of class actions against the managed care industry that the Judicial Panel for Multidistrict Litigation consolidated in the United States District Court for the Southern District of Florida (MDL No. 1334).
- In addition, Miguel has extensive experience litigating against administrative

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agencies, including the Federal Communications Commission, the Federal Energy Regulatory Commission, and the Food and Drug Administration.

Miguel joined Gibson Dunn in 1997, after serving for five years as Assistant to the Solicitor General of the United States. He previously served as Assistant U.S. Attorney and Deputy Chief of the Appellate Section, U.S. Attorney's Office, Southern District of New York. In those capacities, Miguel represented the government in numerous jury trials and in many appeals before the U.S. Court of Appeals for the Second Circuit.

Miguel is a Trustee of the Supreme Court Historical Society. He was formerly a member of the Board of Visitors of Harvard Law School.

Miguel served as a law clerk to the Honorable Anthony M. Kennedy in the U.S. Supreme Court from 1988 to 1989 and to the Honorable Amalya L. Kearse in the U.S. Court of Appeals for the Second Circuit from 1986 to 1987. He received a J.D. degree *magna cum laude* in 1986 from Harvard Law School, where he was editor of the *Harvard Law Review*. Miguel graduated with an A.B. degree *magna cum laude* and Phi Beta Kappa in 1983 from Columbia College, New York. He is fluent in Spanish and proficient in French.

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