Nick Harper

Partner

nharper@gibsondunn.com
T: +1 202.887.3534
Washington, D.C.



Nick Harper is a partner in the Washington, D.C. office of Gibson Dunn, where he practices in the firm's Litigation Department. A member of the Appellate and Constitutional Law and Administrative Law and Regulatory Practice Groups, Nick has argued cases at every level of the federal judiciary, including the U.S. Supreme Court, which appointed him as *amicus curiae* in *Erlinger v. United States* to defend the judgment below.

Nick's practice spans appellate, regulatory, and complex litigation. He also has expertise in the cryptocurrency and digital-asset space. He has represented clients in high-stakes litigation and advised on cutting-edge regulatory developments in the industry. He also has significant experience litigating against federal, state, and foreign governments.

Before joining Gibson Dunn, Nick clerked for Justice Anthony M. Kennedy and Justice Amy Coney Barrett on the U.S. Supreme Court, as well as for then-Judge Brett M. Kavanaugh on the U.S. Court of Appeals for the D.C. Circuit.

Representative litigation matters include:

- Appointed by the U.S. Supreme Court to brief and argue the case as an *amicus curiae* in defense of the judgment below in *Erlinger v. United States*, No. 23-370, involving the constitutional right to a criminal jury trial.
- Represented Coinbase in successfully challenging the SEC's denial of Coinbase's petition for a digital-asset-related rulemaking in the U.S. Court of Appeals for the Third Circuit.
- Represented Coinbase and History Associates Incorporated in FOIA litigation that compelled the FDIC to disclose documents related to the debanking of crypto companies.
- Represented bondholders in securing and enforcing judgments against the Bolivarian Republic of Venezuela and Petróleos de Venezuela, S.A. (PDVSA).

Nick earned his law degree from the University of Chicago Law School in 2015 and received his B.A. in Economics and Classics from the University of Notre Dame in 2009.

Nick is a member of the bars of Maryland and the District of Columbia. He is admitted to practice before the U.S. Supreme Court, the U.S. Courts of Appeals for the Third, Ninth, and D.C. Circuits, and the U.S. District Court for the District of Columbia.

Capabilities

Administrative Law and Regulatory Practice
Appellate and Constitutional Law
Artificial Intelligence
Betting and Gaming
Energy Regulation and Litigation
Energy and Infrastructure
Fintech and Digital Assets
First Amendment and Free Expression
Judgment and Arbitral Award Enforcement
Litigation
Privacy, Cybersecurity, and Data Innovation
Tech and Innovation

Credentials

Education

University of Chicago - 2015 Juris Doctor
University of Notre Dame - 2009 Bachelor of Arts

Admissions

Maryland Bar
District of Columbia Bar

Clerkships

US Supreme Court, Rt. Hon. Amy C. Barrett, 2020 - 2021
US Supreme Court, Hon. Anthony M. Kennedy, 2017 - 2018
US Court of Appeals, DC Circuit, Hon. Brett M. Kavanaugh, 2015 - 2016

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