Lochlan F. Shelfer

Of Counsel

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Lochlan F. Shelfer represents clients in a wide range of high-stakes litigation matters. His practice includes litigating cutting-edge legal issues, representing clients in matters involving arbitration, challenging governmental regulations and actions, and other complex litigation matters. Lochlan has argued numerous cases before the federal courts of appeals, including before the en banc Fifth Circuit. He has been named in *Best Lawyers: Ones to Watch® in America* multiple times in three separate practice areas: Appellate Practice, Entertainment and Sports Law, and Administrative and Regulatory Law.

His representations have included numerous high-profile victories, including:

- *Opati v. Republic of Sudan*, 140 S. Ct. 1601 (2020) – Persuaded the Supreme Court to reinstate $4.3 billion in retroactive punitive damages against the Republic of Sudan for its material support of terrorist activity.
- *Bank Markazi v. Peterson*, 136 S. Ct. 1310 (2016) – Successfully represented victims of state-sponsored terrorism against the government of Iran, defeating a separation-of-powers challenge to a federal statute and thereby enabling execution against nearly $2 billion in assets.
- *In re. Fin. Oversight & Mgmt. Bd. for P.R.*, 104 F.4th 367 (1st Cir. 2024) – Resurrected bondholders' $8.5 billion claim against Puerto Rico, persuading First Circuit to reverse district court.
- *Consumer Fin. Protection Bureau v. All Am. Check Cashing, Inc.*, 33 F.4th 218 (5th Cir. 2022) (en banc) (argued) – Secured vacatur of the district court's decision, and persuaded five judges to pen a concurrence arguing that the CFPB's funding scheme is unconstitutional.
- *N.H. Lottery Comm'n v. Rosen*, 986 F.3d 38 (1st Cir. 2021) – In a major victory for online gaming, the First Circuit rejected the United States' interpretation of the Wire Act as applying broadly to non-sports gambling, and instead adopted Gibson Dunn's position that the Act applies only to sports betting.
- *Owens v. Republic of Sudan*, 924 F.3d 1256 (D.C. Cir. 2019); 864 F.3d 751 (D.C. Cir. 2017) – Persuaded the D.C. Circuit to uphold nearly $6 billion in damages against Sudan for materially supporting al Qaeda's 1998 bombings of the U.S. embassies in Nairobi, Kenya and Dar es Salaam, Tanzania.
- *PHH Corp. v. Consumer Financial Protection Bureau*, 881 F.3d 75 (D.C. Cir. 2018) (en banc) – Prevailed in the first-ever appellate challenge to a CFPB enforcement proceeding, vacating the CFPB's $109 million order on numerous grounds, including due process and the Real Estate Settlement Procedures Act, and then persuading the en banc D.C. Circuit to reinstate those rulings.

Lochlan received his law degree from Yale Law School, where he served as an articles editor of the *Yale Law Journal* and was awarded the Judge William E. Miller Prize for best

Capabilities

Litigation
Administrative Law and Regulatory Practice
Betting and Gaming
International Arbitration
Sports Law

Credentials

Education

Yale University - 2013 Juris Doctor
Johns Hopkins University - 2010 Ph.D.
New York University - 2005 Bachelor of Arts

Admissions

Maryland Bar
District of Columbia Bar

Clerkships

US Court of Appeals, 9th Circuit, Hon. Carlos T. Bea, 2013 - 2014

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paper on the Bill of Rights for his work “How the Constitution Shall Not Be Construed,” *BYU Law Review* (2017), and the Joseph Parker Prize for best paper on legal history for his work “Special Juries in the Supreme Court,” *Yale Law Journal* (2013), which has been cited in numerous court opinions.

Prior to attending law school, he graduated *summa cum laude* from New York University with a Bachelor of Arts in Classics and from Johns Hopkins University with a Ph.D. in Classics, specializing in the history of law.

From 2013–2014, Lochlan served as a law clerk to the Honorable Carlos T. Bea of the United States Court of Appeals for the Ninth Circuit.

He is a member of the bars of Maryland and the District of Columbia.

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