Aaron Smith

Associate Attorney

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Washington, D.C.



Aaron M. Smith is an associate in the Washington, D.C. office of Gibson Dunn. Aaron represents clients in high-stakes administrative law, regulatory, and appellate matters. His practice centers on litigation involving federal and state agency action, including major rulemakings, investigations, enforcement actions, pre-enforcement litigation, and appeals. He is a member of the firm's Administrative Law and Regulatory and Appellate and Constitutional Law Practice Groups.

Aaron has represented clients at every stage of the administrative process: Drafting comment letters on significant rulemakings, defending against aggressive agency enforcement actions, developing affirmative litigation under the Administrative Procedure Act to challenge agency action, and briefing complex appeals. These cases have involved a wide range of subjects, including health care, technology, energy, and First Amendment issues. Aaron has presented oral argument before the United States Court of Appeals for the Sixth Circuit and has authored briefs in dozens of cases before the United States Supreme Court, federal and state courts of appeals, and district courts.

Representative matters include:

- Representing an individual challenging a city law on First Amendment grounds in certiorari and merits briefing before the United States Supreme Court.
- Represented a trade association in successfully challenging a FERC order setting annual index rates for oil pipelines in the D.C. Circuit.
- Representing large railroad company in appeal from a jury verdict on employment-discrimination claims before the Ninth Circuit.
- Represented coalition of healthcare entities in successful challenge to CMS rule regulating compensation for administrative services provided to insurance brokers and agents.
- Represented a large technology company in persuading the Consumer Financial Protection Bureau to close out an investigation that threatened to reshape the company's business model.
- Representing pharmacy benefit manager in administrative proceedings before the FTC alleging that rebate practices violated the FTC Act and before the Eighth Circuit in affirmative litigation alleging that the FTC proceedings violate the Constitution.
- Representing Arizona utility company in appeals from a state commission ratemaking decision that ruled in the utility company's favor when setting rates for solar customers.
- Representing multinational bank in appeal from a jury verdict in a complex tort case before the Second Circuit.

Capabilities

Administrative Law and Regulatory Practice
Appellate and Constitutional Law
Consumer Protection
Labor and Employment

Credentials

Education

University of Alabama - 2017 Juris Doctor
University of Kentucky - 2013 Bachelor of Science

Admissions

District of Columbia Bar

Clerkships

US Court of Appeals, DC Circuit, Hon. Karen LeCraft Hernderson, 2017 - 2018

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- Represented a large technology company in successfully challenging an onerous data-sharing law on First Amendment grounds in the Southern District of New York.

Before joining the firm, Aaron served as a law clerk to the Honorable Karen LeCraft Henderson of the U.S. Court of Appeals for the District of Columbia Circuit. He graduated as valedictorian from The University of Alabama School of Law, where he served as the Editor in Chief of the *Alabama Law Review* and was a member of the Moot Court Board. In 2013, he graduated from the University of Kentucky with a journalism degree. Aaron is admitted to practice in the District of Columbia.

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