Jeffrey B. Wall

Partner

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Jeff Wall is Co-Chair of the Appellate and Constitutional Law Practice Group at Gibson Dunn and a former Acting Solicitor General of the United States. He has argued more than 30 cases before the U.S. Supreme Court and is widely regarded as one of the nation's leading appellate advocates. Last year, he was named Appellate Attorney of the Year by *The National Law Journal*. He has been honored as *The American Lawyer*'s "Litigator of the Week" four times since 2024, for securing the elimination of a $650 million award against several national pharmacy chains; persuading the Delaware Supreme Court to reinstate Tesla CEO Elon Musk's $60 billion incentive-compensation plan; delivering what was described as a "knockout blow" to the Federal Communications Commission's net neutrality rules in the Sixth Circuit after more than a decade of regulatory uncertainty; and reversing class certification in a multibillion-dollar securities litigation against Boeing.

A Fellow of the American Academy of Appellate Lawyers, Jeff is widely regarded for his ability to distill complex legal issues into clear, persuasive arguments. He is ranked Band 1 by *Chambers USA*, which has praised his "formidable reputation," describing him as a "sophisticated" and "brilliant advocate" with an "impressive track record before the Supreme Court." He is also a four-time *Law360* Appellate MVP, most recently earning the award in three consecutive years from 2024 to 2026.

Jeff is a member of the American Law Institute, President of the Edward Coke Appellate Inn of Court, trustee of the Supreme Court Historical Society, and former member of the Advisory Committee on Procedures for the U.S. Court of Appeals for the D.C. Circuit. Before his service in the Solicitor General's Office and time in private practice, Jeff clerked for Justice Clarence Thomas of the U.S. Supreme Court and Judge J. Harvie Wilkinson III of the U.S. Court of Appeals for the Fourth Circuit. Jeff has a robust pro bono practice and role in his community, serving on the board of the St. Albans School and its School of Public Service.

Select Representations*

- Tesla in persuading the Delaware Supreme Court to reverse the Chancery Court and reinstate a more than $50 billion incentive compensation plan for Tesla CEO Elon Musk. Jeff and Morgan Ratner were named "Litigators of the Week" by *The American Lawyer* for this win.
- NCTA – The Internet & Television Association, USTelecom – The Broadband Association, and Ohio Telecom Association in their successful challenge to the FCC's reclassification of broadband under Title II of the Communications Act in the Sixth Circuit. Jeff received *The American Lawyer*'s "Litigator of the Week" award for this win.
- Walgreens Boots Alliance in obtaining a ruling from the Ohio Supreme Court, on certification from the Sixth Circuit, eliminating a $650 million public nuisance judgment in the national opioid multidistrict litigation. Jeff received *The American*

Capabilities

Appellate and Constitutional Law

Credentials

Education

University of Chicago - 2003 Juris Doctor

Georgetown University - 1998 Bachelor of Arts

Admissions

District of Columbia Bar

Georgia Bar

Clerkships

US Supreme Court, Hon. Clarence Thomas, 2004 - 2005

US Court of Appeals, 4th Circuit, Hon. J. Harvie Wilkinson III, 2003 - 2004

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Lawyer's "Litigator of the Week" award for this win.

- Valero Energy Corporation subsidiaries, including Diamond Alternative Energy, in obtaining a Supreme Court victory on standing that will clear the way for targets of government regulation to bring legal challenges.
- U.S. Chamber of Commerce, Business Roundtable, Texas Association of Business, and Longview Chamber of Commerce in their challenge to the FTC's rule banning noncompete agreements, securing the first nationwide decision declaring the rule unlawful.
- Bayer in obtaining the dismissal—affirmed on appeal by the Delaware Supreme Court sitting en banc—of a lawsuit brought by Merck & Co. alleging M&A-related contract claims.
- Danske Bank and Standard Chartered Bank in persuading the Second Circuit to reject any liability for allegedly aiding and abetting terrorist organizations, the first major appellate decision on antiterrorism statutes to apply the Supreme Court's 2023 ruling in *Twitter v. Taamneh*. Jeff was named a runner-up "Litigator of the Week" by *The American Lawyer* for this win.
- National Association of Private Fund Managers, Managed Funds Association, and Alternative Investment Management Association in obtaining a precedent-setting win from a unanimous U.S. Court of Appeals for the Fifth Circuit, which remanded two SEC rules related to short-selling due to the agency's failure to consider the economic impact of adopting both rules at once. Jeff was named a *Law360* "Legal Lion" and runner-up "Litigator of the Week" by *The American Lawyer* for this win.
- CPI Security in a successful appeal before the Fourth Circuit defending a $180 million jury award in a dispute with competitor Vivint Smart Home Security. Jeff was named a runner-up "Litigator of the Week" by *The American Lawyer* for this win.
- Blockchain Association and the Crypto Freedom Alliance of Texas in obtaining a judgement vacating an SEC rule that sought to substantially expand the definition of who must register as a "dealer" under the Securities Exchange Act. Jeff was named a runner-up "Litigator of the Week" by *The American Lawyer* for this result.
- Boeing and certain of its current and former officers in a securities-fraud class action in the Eastern District of Virginia, including a successful class-certification appeal to the Fourth Circuit.
- Canadian Pacific before the Second Circuit in securing affirmance of judgment in a multi-billion-dollar noteholder dispute and before the D.C. Circuit in successfully defending its acquisition of Kansas City Southern.
- eBay in successfully dismissing an EPA enforcement action over the sale of certain prohibited items on its online marketplace.
- Great Lakes Insurance in obtaining a unanimous ruling from the Supreme Court in a maritime insurance dispute over a contractual choice-of-law provision.
- JPMorgan in securing the affirmance of the dismissal of a lawsuit in connection with a syndicated loan arranged by a group of banks led by JPMorgan for Millennium Laboratories.
- Major League Baseball in an appeal before the Second Circuit defending the league's exemption from the federal antitrust laws.
- Spirit AeroSystems in two appellate victories in the Tenth Circuit in a case involving compensation for the company's former CEO—first reversing a $45 million judgment, then winning again on a subsequent appeal.
- U.S. Chamber of Commerce and Business Roundtable in litigation against the Securities and Exchange Commission over its revision of the rules governing proxy voting advice.
- U.S. Chamber of Commerce in briefs to the Supreme Court and Fourth Circuit about public-company disclosures regarding cybersecurity risks.

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- Valero Energy Corporation in a set of consolidated appeals to the Supreme Court and D.C. Circuit challenging vehicle-emission and fuel-economy rules issued by the Environmental Protection Agency and the National Highway Traffic Safety Administration.
- U.S. Chamber of Commerce and other industry groups in securing a significant Eighth Circuit ruling holding that the Federal Communications Commission exceeded its statutory authority in adopting sweeping disparate-impact regulations. The decision vacated the FCC's digital-discrimination rules related to broadband access and held that compliance obligations could not be extended to entities outside the broadband industry.

Representative Supreme Court Arguments*

Arbitration

- *Epic Systems Corp. v. Lewis*, 138 S. Ct. 1612 (2018): whether the National Labor Relations Act prohibits enforcement of an individual arbitration agreement

Bankruptcy

- Schwab v. Reilly, 130 S. Ct. 2652 (2010): whether the bankruptcy trustee is required to object to a debtor's market valuation of property

Civil Rights

- *Hernandez v. Mesa*, 140 S. Ct. 735 (2020): whether a Bivens remedy is available for cross-border incidents
- *McDonough v. Smith*, 139 S. Ct. 2149 (2019): when the statute of limitations for a Section 1983 claim based on fabrication of evidence in criminal proceedings begins to run
- *Nieves v. Bartlett*, 139 S. Ct. 1715 (2019): whether probable cause defeats a claim of retaliatory arrest under the First Amendment
- *Lozman v. City of Riviera Beach, Florida*, 138 S. Ct. 1945 (2018): whether probable cause defeats a claim of retaliatory arrest under the First Amendment

Class Actions

- *Frank v. Gaos*, 139 S. Ct. 1041 (2019): whether a class-action settlement that distributes cy pres funds satisfies Federal Rule of Civil Procedure 23(e)(2)

Constitutional Law

- *Espinoza v. Montana Department of Revenue*, 140 S. Ct. 2246 (2020): whether schools may be excluded from a state scholarship program based on their religious character
- *Financial Oversight and Management Board for Puerto Rico v. Aurelius Investment, LLC*, 140 S. Ct. 1649 (2020): whether the Appointments Clause governs the appointment of member of the Financial Oversight and Management Board for Puerto Rico
- *Gundy v. United States*, 139 S. Ct. 2116 (2019): whether the Sex Offender Registration and Notification Act's delegation of authority to the Attorney General to issue regulations under 42 U.S.C. § 16913 violates the nondelegation doctrine
- *The American Legion v. American Humanist Association*, 139 S. Ct. 2067 (2019): whether the display and maintenance of a religious symbol violate the Establishment Clause
- *Lucia v. Securities and Exchange Commission*, 138 S. Ct. 2044 (2018): whether administrative law judges of the Securities and Exchange Commission are Officers

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of the United States within the meaning of the Appointments Clause

Criminal Law and Procedure

- *United States v. Briggs*, 141 S. Ct. 467 (2020): whether the Uniform Code of Military Justice allows for the prosecution of certain rapes only within five years
- *Henderson v. United States*, 133 S. Ct. 1121 (2013): whether an error is plain for purposes of plain-error review when the law is unclear at the time of the error but subsequently becomes clear
- *Bailey v. United States*, 133 S. Ct. 1031 (2013): whether the Fourth Amendment permits police officers executing a search warrant to detain an occupant who has left the immediate vicinity of the premises
- *Martinez v. Ryan*, 132 S. Ct. 1309 (2012): whether a prisoner has a constitutional right to the assistance of counsel on collateral review when that is the first opportunity to raise a particular claim of error
- *Sykes v. United States*, 131 S. Ct. 2267 (2011): whether a felony conviction for fleeing from law enforcement in a vehicle qualifies as a violent felony under the Armed Career Criminal Act
- *Barber v. Thomas*, 130 S. Ct. 2499 (2010): whether good conduct time for federal inmates should be calculated on the basis of the sentence imposed or time served

False Claims Act

- *United States ex rel. Eisenstein v. City of New York*, 556 U.S. 928 (2009): whether the government is a party to a qui tam action under the False Claims Act when it declines to intervene

Intellectual Property

- *Halo Electronics v. Pulse Electronics*; *Stryker v. Zimmer*, 136 S. Ct. 1923 (2016): when enhanced damages should be available in patent infringement cases

Jurisdiction and Standing

- *Diamond Alternative Energy LLC v. Environmental Protection Agency*, No. 24-7 (2024): whether a party may establish the redressability component of Article III standing by relying on the coercive and predictable efforts of regulation on third parties

Labor and Employment

- *Kasten v. St. Gobain Performance Plastics Corp.*, 131 S. Ct. 1325 (2011): whether the anti-retaliation provision of the Fair Labor Standards Act prevents an employer from discharging an employee for oral complaints

Maritime Insurance

- *Great Lakes Insurance SE v. Raiders Retreat Realty Co., LLC*, No. 22-500 (2023): whether a choice of law clause in maritime insurance contract is unenforceable if it would conflict with state public policy

Securities

- *Gabelli v. SEC*, 133 S. Ct. 1216 (2013): when a statute of limitations begins to run for civil penalty claims against investment advisers
- *Credit Suisse Securities (USA) LLC v. Simmonds*, 132 S. Ct. 1414 (2012): when a statute of limitations begins to run for short-swing trading claims against financial institutions, officers, and directors

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Sports Gambling

- *Murphy v. National Collegiate Athletic Association*, 138 S. Ct. 1461 (2018): whether the Professional and Amateur Sports Protection Act's preemption of state laws authorizing sports-gambling schemes violates the Tenth Amendment

* Includes matters handled prior to joining Gibson Dunn.

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