

APPELLATE HOT LIST

A SPECIAL REPORT

Our 2017 special report features an elite group of lawyers and law firms that posted hard-fought wins at the U.S. Supreme Court or in federal circuit courts. How do they do it? Luckily, these appellate aces offer great advice: listen to colleagues, answer the question, read good writing and, in oral argument, position yourself like a jazz musician—always be ready to improvise. Presenting this year's honorees in their own words, edited for clarity and length.

—Lisa Helem

Gibson, Dunn & Crutcher

■ **Tell us about your top U.S. Supreme Court or federal circuit court victory over the past year and how you and your team achieved the win.**

We won an 8-1 decision for BNSF Railway in an important case for the railroad industry and for fairness in the civil justice system.

The court held that railroads cannot be sued for personal injuries anywhere and everywhere they do business. Instead, they can be sued only where the injury occurred. The decision continues Justice [Ruth Bader] Ginsburg's project of clarifying general and specific personal jurisdiction.

It also eliminates a rampant injustice—for years, our client faced dozens of suits in Montana that had literally nothing to do with Montana—and where the only



Andrew Tulumello

connection to Montana was the plaintiff's lawyer. The Supreme Court corrected that unfairness.

■ **How did your firm approach appellate success over the past year?**

We capitalize on the extraordinary strength of our bench. In the last four years, nine lawyers at our firm have argued cases in the Supreme Court.

Our ability to tackle any appellate issue—no matter the jurisdiction or area of law—sets us apart.

■ **What practice advice would you give your younger lawyer self?**

1. In any major case, expect setbacks. Stay focused on the end goal, and hold fast to your convictions.

2. File your motions. You lose every motion you do not file, and no court will ever give something you do not ask for.

Responses submitted by Andrew Tulumello, a partner at Gibson, Dunn & Crutcher.