

APPELLATE HOT LIST

a special report

“Common sense beats a footnote every time,” writes Paul Clement, when detailing the practice advice he’d give his younger self. “Focus on what’s right and true, not what’s clever and shrewd,” writes Don Verrilli. The stars of the appellate bar featured in this year’s special report practice what they preach. Over the past year, they won key matters before the U.S. Supreme Court and federal courts of appeal that tackled everything from religious freedom in mass transit advertising to jurisdictional issues involving the Clean Water Act to the music of the mighty Marvin Gaye. For more on their stories, “Keep on [reading.]”

—Lisa Helem



GIBSON, DUNN & CRUTCHER

the position that they were mere “employees,” rather than officers. The Justice Department refused to defend the agency’s position in the Supreme Court.

The Supreme Court ruled that SEC ALJs are indistinguishable from other administrative adjudicators who have been held to be officers, and that the constitutional violation requires an entirely new proceeding before a different adjudicator.

The decision will lead to greater transparency in the administrative process and advance the cause of ordered liberty.

HOW DID YOUR FIRM APPROACH APPELLATE SUCCESS OVER THE PAST YEAR?

We continued to expand our talented roster of appellate lawyers, who litigate high-profile appeals in federal and state courts nationwide—including three Supreme Court victories last term, argued by three different Gibson Dunn partners. The breadth and depth of our practice is second to none.

WHAT PRACTICE ADVICE WOULD YOU GIVE YOUR YOUNGER SELF?

Every member of a legal team, regardless of seniority or experience, has something to add; and sometimes insight comes from unexpected places. You have to be open to (constructive) criticism, willing to take a new perspective and able to make major changes along the way.

TELL US ABOUT YOUR TOP U.S. SUPREME COURT OR FEDERAL APPEALS COURT VICTORY OVER THE PAST YEAR AND HOW YOU AND YOUR TEAM ACHIEVED THE WIN.

We won an important decision on the structure of the U.S. Constitution when the Supreme Court ruled that SEC ALJs are “Officers of the United States” within the meaning of the Appointments Clause.

Although SEC ALJs preside over trial-like hearings, make evidentiary rulings, and issue initial decisions, the SEC took

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