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UPDATED: At Justice's Request, Stephen Hammer Argues First SCOTUS Case

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A fourth-year associate in the Dallas office of Gibson, Dunn & Crutcher made his first oral argument at the U.S. Supreme Court on Monday when he defended a ruling by a lower court that neither the U.S. Justice Department nor the defendant in the case believe was correct.

The nation's highest court appointed *Stephen Hammer*, a former clerk to U.S. Chief Justice John Roberts and a military veteran, to argue the merits of the U.S. Court of Appeals for the Fourth Circuit's opinion about appellate filing deadlines related to removal orders if the defendant claims he will be killed or tortured if he is deported.

In an interview with *The Texas Lawbook*, Hammer said he was surprised at "how close the lectern is to the bench."

"Especially since the bench curves slightly at both ends, the arrangement makes for a close and engaging conversation," he said. "As I stepped to the podium I was thinking about the justices' exchanges with the government and how I should modify my presentation as a result. Arguing before the court gives you an enormous appreciation for our legal system and the care and attention that goes into getting each case right. It was a great honor to play a small part in that."

This is the second time this year that the justices have appointed a young Dallas lawyer to advocate for a position taken by a court of appeals that none of the parties in the dispute want to defend.

In February, the Supreme Court asked Kirkland & Ellis partner *Kasdin Mitchell*, a former clerk to Supreme Court Justice



Stephen Hammer speaking at South Texas College of Law in Houston

Clarence Thomas, to argue a position in a criminal case that none of the parties favored. Oral arguments in that case are scheduled for later this year.

Despite clerking for Chief Justice Roberts for a year, Hammer had only witnessed four Supreme Court arguments in his life. That's because the year he clerked was 2020, and all the oral arguments were handled remotely.

"The best advice I've received about arguing before the Court has come from one of the judges I clerked for, Chief Judge [Jeffrey] Sutton of the Sixth Circuit, who told me to try to keep the argument conversational and [be] as responsive to the justices' questions as possible," he said.

Raised in Carrollton, Hammer earned his bachelor's degree at Princeton University and was a Rhodes Scholar at the

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University of Oxford, where he earned a master's degree in philosophy.

A member of the ROTC in college, Hammer joined the U.S. Army in 2011 after graduating from Oxford. As an infantry officer in the 82nd Airborne, he did two tours of duty in Afghanistan.

“My military service had a tremendous impact on my life,” Hammer told *The Texas Lawbook*. “You see the best and the worst of people when you are deployed. It shapes how I handle things every single day.”

Hammer graduated from Harvard University with a law degree in 2018. He went on to score higher than anyone else on the Texas bar examination in 2019.

He clerked for two federal appel-

late judges — Chief Judge Sutton and Judge Gregory Katsas of the U.S. Court of Appeals for the D.C. Circuit — before clerking for Chief Justice Roberts in 2020.

Hammer, in an interview with *The Lawbook* prior to his Supreme Court appearance, said he planned to “spend time before the argument in prayer.”

“My children have recently been encouraging me with this verse from Joshua 1:9,” he said.

The verse states, “Have I not commanded you? Be strong and courageous. Do not be frightened, and do not be dismayed, for the Lord your God is with you wherever you go.”

The case is *Pierre Yassue Nashun Riley v. Pamela Bondi*, Case No. 23-1270.