Latham & Watkins Lures Back Solicitor General's Office Atty

By Aaron Vehling

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Latham & Watkins LLP on Thursday announced it snagged an appellate litigator with experience in intellectual property, health care and securities from the U.S. Solicitor General's Office to expand its Supreme Court and appellate practice group in its Washington, D.C., office, marking the attorney’s return to a firm where she was once an appellate associate.

Melissa Arbus Sherry, who since 2009 has been an assistant to the solicitor general, returned on Wednesday to Latham & Watkins as partner, according to the firm. Gregory Garre, global chair of Latham & Watkins' Supreme Court and appellate practice group and a former solicitor general, said in a Thursday statement that Sherry will fit in well at the firm.

“Melissa is a rare talent and superb appellate advocate,” Garre said. “We are thrilled that she is rejoining our appellate practice.”

Sherry, who has argued 10 cases before the Supreme Court, is joining a firm that has attracted several high-profile government attorneys, many of whom are returning to Latham & Watkins after stints with the White House, the U.S. Securities and Exchange Commission and the U.S. Department of Justice’s Antitrust Division, according to the firm.

Sherry said Thursday that her practice will focus on appellate litigation, including briefing and arguing appeals, drafting and arguing critical dispositive motions, assisting trial teams with spotting and framing appellate issues and developing litigation strategies.

"I’m really happy to be back here," Sherry told Law360. "I feel like I grew up as a lawyer in Latham’s appellate practice group during my time as an associate of the firm."

She said the firm has a collaborative and supportive culture that allows lawyers to thrive and clients to succeed.

In addition to IP, securities fraud and health care, Sherry’s case work has also included international law,
employment discrimination, personal jurisdiction, equitable tolling and the False Claims Act, according to Latham & Watkins.

At the Solicitor General’s Office, Sherry represented the federal government before the high court in 10 cases, which she personally argued, the firm said. She also assisted in overseeing the government’s litigation in the circuit courts, according to Latham & Watkins.

Among her most memorable cases, Sherry highlighted last year’s *Bowman v. Monsanto Co.*, a patent case involving genetically engineered soy bean seeds in which the justices ruled that a farmer could not reproduce Monsanto's patented seeds without its permission even if the patent was exhausted.

"In some ways it was about traditional farming practices, but it also raised interesting questions about the application of patent technologies," Sherry said.

She also pointed to *POM Wonderful LLC v. The Coca Cola Co.*, which involved a Lanham Act claim about the labelling of pomegranate juice.

"I found the case interesting on the facts and the law," she said. "Legally, it involved the interaction between two different federal statutory schemes. The facts raised interesting questions about the marketing of products you see on store shelves. It’s a fun case to talk about with lawyers and non-lawyers alike."

Sherry graduated from the University of Virginia School of Law in 2003, after which she clerked for Justice John Paul Stevens and Judge Diana Gribbon Motz in the Fourth Circuit.

Along with Sherry, Latham & Watkins have lured several attorneys back to the firm or from the government for the first time.

Jonathan Su recently returned to the firm after two years in the White House Counsel’s Office and several years as an assistant U.S. attorney in Maryland before that. Kathryn Ruemmler returned in July after serving as counsel to President Barack Obama. John Sikora joined the firm as a litigation partner after 16 years at the SEC, according to the firm.

--Editing by Kelly Duncan.

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