

Rising Star: Latham's Melissa Arbus Sherry

By Dan Packel

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When Melissa Arbus Sherry returned to Latham & Watkins LLP after five years as an assistant to the solicitor general of the United States, she brought with her the experience of having personally argued 10 cases before the U.S. Supreme Court, placing her among Law360's top appellate attorneys under 40.

The 36-year-old Rising Star in the firm's Washington, D.C., office started at the firm as an associate before deciding that she wanted to spend some time in public service, with the goal of deepening her understanding of government litigation and her range of legal experience. She resumed her tenure at Latham & Watkins in October.

"I loved every minute of it, but I knew that at some point — in the back of my mind — I wanted to return to private practice," she said of her time in the solicitor general's office. "Latham always felt like home."

She said that a highlight of her time at the office was the *POM Wonderful LLC v. The Coca Cola Co.* case, argued in April 2014, which involved a Lanham Act claim about the labeling of pomegranate juice. The case turned on the interaction between the federal false advertising statute and U.S. Food and Drug Administration rules.

"It was a really fun and interesting case that you could tell to nonlawyer friends and family, and they understood what you were talking about," she said.

Sherry also flagged the 2013 case of *Bowman v. Monsanto Co.*, a patent suit 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.

"It was about applying general patent law to new areas that the court hasn't looked at before," she said. "I got to learn a lot about agriculture and farming."



Melissa Arbus Sherry

Sherry noted that constantly taking up new subjects was one of the most attractive features of appellate work.

“I get to have a wide variety of different subject matter that I learn about on a daily basis,” she said. “I get to be a generalist.”

She explained that her interest in the field was sparked early on, while in law school, and reaffirmed during clerkships for Judge Diana Gribbon Motz in the Fourth Circuit and former Supreme Court Justice John Paul Stevens.

“Of all the things that law school doesn’t prepare you for in the law, it does prepare you to be an appellate lawyer because that’s how you learn to think there,” Sherry said.

Since returning to Latham & Watkins, Sherry has already been named co-chairwoman of the litigation department at the 280-plus attorney Washington office. She noted that while she didn’t necessarily think of herself as a young lawyer any longer, she had managed to advance in the profession at a relatively early age in part because she went directly from undergraduate to law school.

“It could be viewed as a disadvantage because people maybe underestimate you, but I don’t think of that as a bad thing,” she said. “I like challenges, and I like to be able to rise to them.”

--Additional reporting by Aaron Vehling. Editing by Christine Chun.