

Rising Star: Latham's Samir Deger-Sen

By Alison Knezevich

Law360 (June 23, 2023, 1:43 PM EDT) -- Samir Deger-Sen of Latham & Watkins LLP has secured precedential appellate wins for high-profile clients such as the Hollywood Foreign Press Association and Meta, and was still an associate at the firm when he successfully petitioned the Supreme Court to review a criminal case in which he was counsel of record, earning him a spot among the appellate law practitioners under age 40 honored by Law360 Rising Stars.

WHY HE BECAME AN APPELLATE ATTORNEY:

A former World Universities Debating champion who began competitively debating in high school, Deger-Sen said he loves the oral argument component of appellate practice.

He enjoys being "a little bit of a generalist," learning an area of the law well, and then working to persuasively communicate his arguments.

Deger-Sen at one point scored seven victories in a row in the appeals he argued, according to his firm. He also writes prolifically, having been the primary author for more than 100 appellate briefs.

WHAT MOTIVATES HIM:

Deger-Sen said he likes appellate work because it sets precedent, so it inherently has far-reaching consequences. And because he has been able to devote significant time to pro bono work at Latham, it's a tremendous motivation to know that a case could "move the law in a positive direction," affecting the lives of many people.

"The main part of my practice that I've always loved and cherished the most is my pro bono work," he said. "I really like and enjoy the substance of my work, but I definitely feel very fulfilled in a way that maybe I didn't think I would be, especially working at a big law firm, partly because I have the ability to do so much pro bono here."

HIS RECENT NOTABLE CASES:

In one major case, Deger-Sen argued on behalf of the Hollywood Foreign

2023

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RISING
STAR



Samir Deger-Sen

Latham & Watkins

Age: 37

Home base: New York

Position: Partner

Law school: Yale Law School

First job after law school: Clerk for U.S. District Judge Susan Oki Mollway of the District of Hawaii

Press Association — the group formerly behind the Golden Globes — in litigation stemming from two journalists' allegations that its decision not to admit them violated antitrust laws.

"The question itself had, I think, very significant consequences for any membership association, and particularly significant consequences for the HFPA," he said.

This past December, a Ninth Circuit panel unanimously upheld a lower court's decision to dismiss the suit, rejecting the journalists' antitrust theories.

"I was very proud to have a chance to argue it," he said. "It was such an important case for the client. [I was also] happy to have a case that involved establishing important antitrust precedent."

Deger-Sen also successfully represented Meta in a proposed class action that alleged that Facebook's text message birthday reminders violated the Telephone Consumer Protection Act. The Ninth Circuit affirmed a California federal court's ruling that the law doesn't cover the manner in which the social media giant sent the messages.

Deger-Sen was still an associate at the firm when the Supreme Court accepted for review his first petition as counsel of record in the case of *Smith v. U.S.* The case concerned whether prosecutors can retry someone whose conviction is overturned on appeal because of improper venue.

Timothy J. Smith, a software engineer and avid fisherman, was convicted in Florida federal court of extorting and stealing trade secrets from a company that sells information about where to find the best fishing spots. Latham evaluated the case and took it pro bono after Smith reached out to the firm by email, describing the facts, Deger-Sen said.

Deger-Sen argued the case at the Supreme Court in March. Ultimately, it ruled against his client in June, unanimously finding that retrying a defendant in the proper venue does not violate the double jeopardy clause.

HOW HE THINKS APPELLATE WORK WILL CHANGE:

Deger-Sen, who is based in New York, predicts continued increases in appellate specialists, saying firms are seeing the value of "having someone come in on appeal with fresh eyes" and appeals experience.

"More and more you just see trial partners being willing to let an appellate attorney come in and basically handle the briefing, take the strategic lead and do the argument," he said.

Deger-Sen also thinks the appellate bar, traditionally concentrated in the nation's capital, will become more geographically diverse.

"I think clients increasingly realize that it's really very helpful to have someone who they can meet and interact with," with specialized knowledge of the courts near them, he said. "You don't necessarily always need to go find someone in D.C. — there's going to be someone who's closer and has more recurring experience in your court. And I think clients really like that."

— *As told to Alison Knezevich. Editing by Adam LoBelia.*

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of

Law360 editors selected the 2023 Rising Stars winners after reviewing more than 1,350 submissions. Attorneys had to be under 40 as of May 1, 2023, to be eligible for this year's award. This interview has been edited and condensed.

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