A common thread in a string of recent successes for Latham & Watkins’ appellate group was the government—whether battling for or against it.

“From our perspective, it’s been a great year,” said Gregory Garre, head of the firm’s appellate group and a former U.S. solicitor general.

In Florida v. Georgia, Latham represented the Florida Department of Environmental Protection before the U.S. Supreme Court in a suit seeking to remedy environmental and economic harms caused by Georgia’s overconsumption of water along the Chattahoochee and Flint rivers. In 2014, Florida retained Latham, and in June, after a hearing in which Garre argued on behalf of Florida, a special master issued a ruling denying Georgia’s motion to dismiss the case. “The case is of immense importance to the state of Florida and the Apalachicola community because of the importance of these waters to that region,” Garre said.

Last April, Latham won a record-breaking appellate victory against the federal government when the U.S. Court of Appeals for the Sixth Circuit threw out a $657 million False Claims Act damages award against United Technologies Corp., which had been the largest posttrial damages award entered under the False Claims Act. The decision is the latest chapter in a saga stretching back more than 30 years to a contract for fighter jet engines signed in 1983.

And one of the firm’s recent “signature cases” was Campbell-Ewald Co. v Gomez, a major class action pending at the Supreme Court this term. In May, the court granted the petition for certiorari filed on behalf of Campbell-Ewald by Latham and co-counsel Loeb & Loeb. The case involves a class action brought by an individual who claims he did not consent to receive a text message sent on behalf of the U.S. Navy as part of a recruitment effort.

Garre said the case resolved a “very important question that arises in class actions and other cases about whether an offer of complete relief moots an existing controversy.” Garre argued the case before the Supreme Court on Oct. 14.

—Richard Acello
“Led by former Solicitor General Gregory Garre, the U.S. Supreme Court and appellate practice group at Latham & Watkins takes on some of the toughest and complicated high-stakes cases—and wins.”

“The appellate group at Latham & Watkins undertook high-stakes, high-profile appeals across a broad swath of law in state and federal courts.”

“Latham stepped in as appellate counsel in U.S. v. Home Concrete & Supply LLC and obtained a rare win against the Internal Revenue Service. The Supreme Court ruled on April 25 that the agency could not rely on an extended statute of limitations in pursuing actions against certain tax shelters.”

“After sitting out Supreme Court appearances for one year, as required by law, the former solicitor general was back before the justices in spring 2010. He argued two cases, just eight days apart and as different as night and day. He won both.”

“The Latham team plied its appellate expertise in the lower courts as well in 2010.”

“Although fewer than 1% of petitions for review are granted overall by the Supreme Court, Latham has secured a dozen grants of certiorari during the past five years.”

“In a landmark patent-exhaustion case, Latham argued that a patent owner can place conditions on a licensee’s right to make or sell, but cannot authorize the licensee to sell an article without exhausting the patent monopoly in that article. The Supreme Court agreed...”

“The 40 attorneys in Latham & Watkins’ Washington-based appellate practice comprise a small but effective corner of a firm that can marshal 2,100 attorneys.”