

APPELLATE HOT LIST

a special report

“Common sense beats a footnote every time,” writes Paul Clement, when detailing the practice advice he’d give his younger self. “Focus on what’s right and true, not what’s clever and shrewd,” writes Don Verrilli. The stars of the appellate bar featured in this year’s special report practice what they preach. Over the past year, they won key matters before the U.S. Supreme Court and federal courts of appeal that tackled everything from religious freedom in mass transit advertising to jurisdictional issues involving the Clean Water Act to the music of the mighty Marvin Gaye. For more on their stories, “Keep on [reading.]”

—Lisa Helem



LATHAM & WATKINS

We achieved the win by assembling a team that mastered the record and by integrating our best factual points and legal arguments in a way that highlighted the consequences of this action for the Apalachicola Region of Florida.

■ **HOW DID YOUR FIRM APPROACH APPELLATE SUCCESS OVER THE PAST YEAR?** One case at a time. A key to success is understanding that each case, even when it involves a familiar area of law or fact pattern, is different. Seeing, and capitalizing on, what makes the case different is critical to both seizing an advantage in an appeal, and protecting against vulnerabilities.

■ **WHAT PRACTICE ADVICE WOULD YOU GIVE YOUR YOUNGER SELF?**

Put yourself in positions that make you uncomfortable—whether it’s getting up before a group of strangers to speak, appearing before a hostile judge, or briefing an unfamiliar area of law. The critical moments in an argument, or a case, invariably come when you are out of your comfort zone. So look for opportunities to test yourself in that situation.

■ **TELL US ABOUT YOUR TOP U.S. SUPREME COURT OR FEDERAL CIRCUIT COURT VICTORY OVER THE PAST YEAR AND HOW YOU AND YOUR TEAM ACHIEVED THE WIN.** We prevailed in the very last case decided by the U.S. Supreme Court in June, *Florida v. Georgia*. The case, an original action in the long running “water wars” between these states, involved one of the largest evidentiary records I have ever worked with and novel issues of law in a highly unique area of the court’s docket.

Responses submitted by Gregory Garre, a partner at Latham & Watkins.