Sullivan & Cromwell LLP

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Lucia v. SEC

Administrative Law – Appointment of Administrative Law Judges

In *Lucia*, the Supreme Court considered whether administrative law judges ("ALJs") of the Securities and Exchange Commission ("SEC") are "Officers of the United States" within the meaning of the Constitution's Appointments Clause. That clause provides that "Officers"—as opposed to lower-level executive employees—must be appointed exclusively by the President, a court of law, or the head of an executive department. Because the ALJ who presided over Lucia's administrative proceeding had been appointed by SEC staff, rather than the Commission itself, Lucia argued that the proceeding was invalid because the ALJ was an officer who had been unconstitutionally appointed.

The Court held that SEC ALJs are "officers of the United States" whose appointments by SEC staff were invalid under the Appointments Clause. The Court found this conclusion compelled by its prior decision in *Freytag* v. *Commissioner*, which held that special tax judges are officers. The SEC ALJs exercised the same authority in a hearing that *Freytag* found indicated officer status—the power to take testimony, conduct trials, rule on evidentiary issues, and enforce discovery obligations. And the ALJs' decisions carry potentially greater weight because the Commission can opt not to review them and deem them as the decision of the Commission.

Because the Court found this case so similar to *Freytag*, it declined to decide which of these powers were *necessary* to find officer status or otherwise elaborate as to how to identify an officer. Nor did the Court address (or expressly limit) the effect of its decision on other agencies' administrative judges. The Commission had, even prior to the Supreme Court's decision, reappointed its ALJs to comply with the Appointments Clause, so Lucia's type of challenge to an ALJ will not be available in the future.

No. 17-130

Opinion Date: 6/21/18

Vote: 7–2

Author: Kagan, J.

Lower Court: D.C. Cir.

Administrative law judges of the SEC are "officers" of the United States and thus must be appointed by the Commission itself.

The effect of this decision on pending cases that were heard by staff-appointed ALJs will be worked out in the lower courts.

Ohio v. *American Express Co.*

Antitrust – Anticompetitive Conduct in Two-Sided Markets

No. 16-1454

Opinion Date: 6/25/18

Vote: 5-4

Author: Thomas, J.

Lower Court: Second Circuit

Amex involved American Express's rules prohibiting merchants from discouraging customers from using Amex cards. The plaintiffs claimed that those "antisteering provisions" imposed an unreasonable vertical restraint of trade in violation of § 1 of the Sherman Act. To support that claim, the plaintiffs adduced evidence that the provisions allowed Amex to charge merchants high fees.

The Supreme Court deemed this evidence insufficient. The Court determined that the credit card market involved a "two-sided transaction platform" through which credit-card providers simultaneously provide services to both a merchant and a cardholder. Because a credit card provider cannot provide services to one side without simultaneously providing services to the other, the Court held, courts must consider both sides of the platform—that is, fees charged to merchants and Amex's rewards to cardholders—when assessing the challenged conduct's competitive effects. The plaintiffs' evidence, which focused on merchant fees, was thus insufficient. The plaintiffs instead were required to show that the antisteering provisions increased "the cost of credit-card transactions above a competitive level, reduced the number of credit-card transactions, or otherwise stifled competition in the credit-card market."

In the context of a "two-sided transaction platform" like the credit card market (where services are provided simultaneously to both merchants and cardholders), evidence of a price increase on only one side of the platform does not suffice to show anticompetitive conduct under the antitrust laws.

Although *Amex* was tied to the credit card industry's facts, it will likely make it harder for plaintiffs to prevail in challenges to other vertical restraints. Future litigation will likely focus on which industries require the same analysis, an issue that the Court previewed by observing that considering both sides of a two-sided platform may not be necessary if "the impacts of indirect network effects and relative pricing in that market are minor." Many industries involve two-sided markets, including those involving software, advertising, and digital marketplaces.

Merit Management Group, LP v. *FTI Consulting, Inc.*

Bankruptcy – Securities Safe Harbor

No. 16-784

Opinion Date: 2/27/18

Vote: 9–0

Author: Sotomayor, J.

Lower Court: 7th Circuit

The Bankruptcy Code gives trustees the power to unwind (or "avoid") certain transfers the debtor made prior to entering bankruptcy, such as fraudulent transfers. This power is qualified by various safe harbors that protect transfers against avoidance. At issue in *Merit Management* was the securities safe harbor, which states that a "trustee may not avoid a transfer . . . made by or to (or for the benefit of) a . . . financial institution," where the transfer is itself a settlement payment or is made in connection with a securities contract.

The case involved Valley View's purchase of the stock of Bedford Downs. Valley View financed its payment through Credit Suisse, which transferred the funds to an escrow agent, Citizens Bank. Citizens Bank, in turn, disbursed the funds to Bedford Downs' shareholders (including petitioner Merit). Those shareholders also deposited their stock with Citizens Bank, which in turn distributed it to Valley View. After Valley View declared bankruptcy, the trustee sought to avoid the transfer of funds to Merit. Merit invoked the securities safe harbor on the ground that the transfer was made "by or to" a "financial institution"—namely, Credit Suisse and Citizens Bank.

The Court rejected this argument, holding that the applicability of the safe harbor depends on the identity of the parties to the ultimate transfer the trustee seeks to avoid. Here, the relevant transfer was between Valley View and Merit—not the intermediate bank transactions that facilitated that transfer. Because neither Valley View nor Merit was a financial institution, the safe harbor did not apply.

Notably, the Bankruptcy Code in some cases treats customers of financial institutions as financial institutions. Although Merit did not raise it, in the future, transferees might argue that the safe harbor applies because they are customers of financial institutions.

Merit Management *holds that the application of the Bankruptcy Code's securities safe harbor depends on the identity of the parties to the overarching transfer sought to be avoided, rather than the parties to any intermediate transactions that facilitated that transfer.*

China Agritech, Inc. v. *Resh*

Class Actions – Equitable Tolling

No. 17-432

Opinion Date: 6/11/18

Vote: 9–0

Author: Ginsburg, J.

Lower Court: Ninth Circuit

Under the Supreme Court's prior decisions in *American Pipe & Construction Co.* v. *Utah* and *Crown, Cork & Seal Co.* v. *Parker*, the filing of a putative class action tolls the statute of limitations on the underlying claims for all members of the putative class, so that those members can intervene or bring separate individual suits if the class is not certified. In *China Agritech*, the Court reviewed a decision by the Ninth Circuit extending that doctrine—known as *American Pipe* tolling—to toll not only individual claims, but also successive *class action* claims.

The Court rejected the Ninth Circuit's expansion of *American Pipe* tolling. The Court reasoned that the logic underlying *American Pipe* does not similarly allow a plaintiff to "wait[] out the statute of limitations" and "piggyback" successive class action claims "on an earlier, timely filed class action." Otherwise, the Court explained, plaintiffs could resuscitate indefinitely a failed class action by filing a new class complaint each time a class is not certified, undermining the efficiency and economy of litigation that *American Pipe* tolling is meant to advance. Importantly, the Court made clear that its holding is not limited to federal securities law claims subject to the Private Securities Litigation Reform Act of 1995, such as those at issue in *China Agritech*, but also applies to other types of class actions brought under Federal Rule of Civil Procedure 23.

After China Agritech, *defendants no longer face the risk of successive class actions being filed years after successfully defending against an initial class action.*

Along with last Term's decision in *CalPERS* v. *ANZ Securities, Inc.*, which held that the filing of a putative class action does not toll the Securities Act of 1933's statute of repose, the Court has cabined the period in which a defendant faces class action exposure based on a certain set of allegations, thus allowing companies to better assess the risks they face from putative class actions.

Jesner v. *Arab Bank, PLC*

Corporate Tort Liability – Alien Tort Statute

No. 16-499

Opinion Date: 4/24/18

Vote: 5-4

Author: Kennedy, J.

Lower Court: Second Circuit

In *Jesner*, the Supreme Court considered whether non-U.S. corporations may be sued for violations of international law under the Alien Tort Statute ("ATS"). The ATS provides that federal district courts have jurisdiction over suits brought "by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States." 28 U.S.C. § 1350. Although the ATS does not itself provide a cause of action, the Court had previously interpreted it to recognize a few narrow causes of action for international-law violations that were well established when Congress enacted the ATS in 1789, such as piracy or harming ambassadors. But the Court had also stated that there might be circumstances in which courts can recognize a new cause of action for violations of a sufficiently specific and universal norm, if doing so would be an appropriate exercise of judicial discretion. The plaintiffs here urged the Supreme Court to recognize such a new cause of action against Arab Bank for allegedly financing terrorism-related activity.

After Jesner, *absent congressional direction otherwise, non-U.S. corporations may no longer be sued for human rights or other international-law violations under the Alien Tort Statute.*

In a splintered 5-4 decision, the Court held that non-U.S. corporate entities like Arab Bank may not be sued as defendants under the ATS. The Court reasoned that, in the exercise of judicial discretion, the decision whether to allow corporate liability under the ATS is better left to Congress's judgment. The Court relied heavily on the delicate foreign-relations problems that imposing liability on non-U.S. corporations may cause, as demonstrated by the fact that Jordan in this case (and other nations in prior cases) expressed the view that such suits would represent a serious affront to their sovereignty.

The Court also noted the force of the argument that courts should not recognize "*any* new causes of action under the ATS."

*** S&C filed an *amicus* brief in support of respondent on behalf of the Institute of International Bankers.**

Oil States Energy Services v. *Greene's Energy Group*

Intellectual Property – Constitutionality of *Inter Partes* Review

No. 16-712

Opinion Date: 4/24/18

Vote: 7-2

Author: Thomas, J.

Lower Court: Federal Circuit

In *Oil States*, the Supreme Court considered the constitutionality of the Patent and Trademark Office's ("PTO") *inter partes* review ("IPR") process, which permits third parties to challenge the validity of patent claims on the grounds that they are obvious or lack novelty. An administrative board empaneled by the PTO adjudicates such challenges, subject to review by the Federal Circuit. Petitioner objected to the constitutionality of IPR, arguing that actions to cancel patent claims must be tried in an Article III court before a jury.

The Court rejected petitioner's arguments and upheld the IPR framework. The Court relied on the different constitutional requirements for adjudication of "private rights" versus "public rights," explaining that Congress has significant latitude to empower agencies to adjudicate public rights. The Court observed that it was well established (and undisputed) that the original *grant* of a patent—which constitutes a "public franchise"—is a matter involving public rights. The Court concluded that the decision to *cancel* a patent similarly involves a public right, both because the decision to cancel involves the same considerations as the decision to grant, and because the initial grant is qualified by the possibility of IPR cancellation. As a result, IPR violates neither Article III nor the Seventh Amendment right to trial by jury, which does not apply in non-Article III proceedings.

Oil States rejects Article III and Seventh Amendment challenges to the inter partes review process, which the Patent and Trademark Office uses to reconsider and cancel patent claims.

The Court did not, however, resolve all possible constitutional issues raised by the IPR process. For instance, it expressly declined to consider any due process objection to the IPR process. Nor did the Court address whether Congress could commit patent issues other than validity (like infringement) to agency adjudication. Thus, the primary effect of *Oil States* is to preserve the status quo: IPR proceedings will continue as before, at least unless and until Congress acts to modify the IPR framework.

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SAS Institute Inc. v. *Iancu*

Intellectual Property – Scope of *Inter Partes* Review

When a third party files for *inter partes* review ("IPR") to challenge the validity of patent claims before the Patent and Trademark Office ("PTO"), the first step is for the Director of the PTO to determine whether the petitioner is reasonably likely to succeed with respect to at least one of the challenged claims. If so, the Director has the discretion to decide whether to institute review. A PTO regulation allowed the Director to exercise that discretion to institute review for all or for only some of the claims challenged in the original IPR petition.

No. 16-969

Opinion Date: 4/24/18

Vote: 5–4

Author: Gorsuch, J.

Lower Court: Federal Circuit

When a petitioner files for inter partes *review of a patent, the PTO must institute review of either all or none of the challenged claims. If review proceeds to completion, the PTO must issue a decision as to all claims.*

In *SAS Institute*, the Supreme Court ruled that the Director's choice is more limited: If the Director concludes that the petitioner is likely to succeed on at least one claim and exercises his discretion to institute review, the Director must review all the claims challenged in the original petition. The Court based this conclusion on the statutory text, which authorizes the Director to decide "whether" to institute review (a binary choice to address an entire petition or none of it). The Court also concluded that, because the statute provides that the PTO "shall issue" a decision with respect to "any patent claim challenged by the petitioner," the PTO must issue a decision as to all claims. Although the PTO argued that partial review was more efficient by allowing the Director to focus only on potentially valid challenges, the Court held that such policy arguments could not overcome the statutory text and were properly directed to Congress.

SAS Institute will arguably make IPR proceedings more costly and time consuming, and may lead courts to stay parallel litigation more often because all challenged claims are being litigated in IPR. On the other hand, the decision may reduce piecemeal litigation by making it less attractive for IPR petitioners to challenge some claims in IPR and others in district court.

WesternGeco LLC v. *ION Geophysical Corp.*

Intellectual Property – Foreign Lost Profits Damages for Patent Infringement

No. 16-1011

Opinion Date: 6/22/18

Vote: 7–2

Author: Thomas, J.

Lower Court: Federal Circuit

Under Section 271(f)(2) of the Patent Act, knowingly exporting specially made or adapted components of a patented invention with the intent that those components will be combined outside of the United States constitutes infringement. In *WesternGeco*, the Supreme Court considered whether a patent owner that proves infringement under this provision may recover foreign lost profits under Section 284, which authorizes "damages adequate to compensate for the infringement." The Federal Circuit had ruled that awarding damages for lost *foreign* sales would represent an impermissibly extraterritorial application of the relevant Patent Act provisions.

The Supreme Court reversed. Without deciding whether Congress intended these Patent Act provisions to apply extraterritorially, the Court held that awarding foreign lost profits here involved a "domestic application" of the Patent Act because the "focus" of Section 284's damages provision was the underlying "infringement" that, under Section 271(f)(2), is "the domestic act" of "exporting components from the United States." Because foreign lost profits damages are merely a Patent Act *remedy* for domestic infringing conduct, the Court explained, awarding those damages under Section 284 remains a "domestic application" of the statute.

Courts may award foreign *lost profits damages where the infringement is based on the* domestic *act of exporting components of a patented invention for combination abroad.*

WesternGeco opens the door to larger damages awards based on lost foreign profits for claims under Section 271(f)(2), and possibly other related provisions. Patent owners should consider proving lost foreign business damage resulting from Section 271(f) infringement, and companies that are concerned about potential infringement of U.S. patents should carefully consider their potential global-sales-based exposure. The decision may also increase litigants' ability to seek foreign damages for domestic injuries in other statutory frameworks.

Digital Realty Trust, Inc. v. *Somers*

Labor and Employment – Dodd-Frank Whistleblower Protection

No. 16-1276

Opinion Date: 2/21/18

Vote: 9–0

Author: Ginsburg, J.

Lower Court: Ninth Circuit

To encourage reporting of potential securities violations to the SEC, the Dodd-Frank Act creates both incentives (in the form of awards) and protections for "whistleblowers." The Act defines "whistleblower" as an individual who provides information relating to a violation of the securities laws "to the [Securities Exchange] Commission." As relevant here, the Act contains an anti-retaliation provision that prohibits an employer from taking adverse action against a "whistleblower." A plaintiff who prevails on an anti-retaliation claim is entitled to double backpay with interest.

In *Digital Realty*, the Supreme Court held that—contrary to a rule issued by the SEC—Dodd-Frank's anti-retaliation provision does *not* protect an individual who reports securities-laws violations within his or her company, but not to the SEC. Consistent with the Act's overall purpose of assisting the SEC, the Court rejected the argument that reporting to the SEC is necessary only for eligibility for an award, concluding that the anti-retaliation provision's use of the term "whistleblower" plainly incorporates the Act's definition of that term, which is limited to individuals who provide information *to the SEC*. Because the Court found Dodd-Frank's text to be unambiguous, it declined to provide *Chevron* deference to an SEC rule that purported to offer anti-retaliation protection even to an individual who reported only internally.

An individual who reports potential securities-laws violations to his or her employer, but not to the SEC, cannot state a whistleblower anti-retaliation claim under the Dodd-Frank Act.

Although *Digital Realty* makes clear that individuals must report to the SEC in order to state a whistleblower claim under Dodd-Frank, individuals who report only internally may be able to pursue claims under the Sarbanes-Oxley Act, which offers anti-retaliation protection to a broader class of individuals. Further, the Court's decision may prompt the SEC to expand the avenues through which individuals can provide it with potentially relevant information to make reporting easier.

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Epic Systems Corp. v. Lewis

Labor and Employment – Enforceability of Class Action Waivers

Nos. 16-285, 16-300, 16-307

Opinion Date: 5/21/2018

Vote: 5-4

Author: Gorsuch, J.

Lower Courts: 7th, 9th, and 5th Circuits

In *Epic Systems*, the Supreme Court considered whether class action waivers in employment arbitration agreements are enforceable. This question required the Court to harmonize the Federal Arbitration Act ("FAA"), which declares all arbitration agreements presumptively "valid, irrevocable, and enforceable," and the National Labor Relations Act ("NLRA"), which gives employees the right "to engage in . . . concerted activities for the purpose of . . . mutual aid or protection."

The employees challenging the agreements pointed to the FAA's saving clause, which states that courts may decline to enforce arbitration agreements "upon such grounds as exist at law or in equity for the revocation of any contract." They claimed that the NLRA allowed the "revocation" of the class action waivers in their employment contracts.

The Supreme Court disagreed, and held that such class action waivers are enforceable. The saving clause contemplates only legal grounds applicable to *any* contract, the Court explained, while the employees' theory would impermissibly target only the *individualized* nature of (traditionally individual) arbitration for disfavor. The Court also rejected the argument that the NLRA displaces the earlier-enacted FAA with respect to class-action waivers, because the NLRA lacks explicit language about arbitration necessary to overcome the presumption against implied repeal. Finally, the Court declined to afford *Chevron* deference to a National Labor Relations Board opinion because the Board administers only the NLRA, not the FAA.

Epic Systems eliminates uncertainty over the validity of class action waivers in employment arbitration agreements. As a result, more employers going forward may require class action waivers as a condition of employment, both to reduce and increase predictability of litigation costs.

Epic Systems *confirms that class-action waivers in employment arbitration agreements are enforceable under the Federal Arbitration Act, and that nothing in the National Labor Relations Act requires a different conclusion.*

Cyan, Inc. v. *Beaver County Employees Retirement Fund*

Securities Litigation – State and Federal Jurisdiction

No. 15-1439

Opinion Date: 3/20/18

Vote: 9–0

Author: Kagan, J.

Lower Court: Cal. Ct. App.

In *Cyan*, the Supreme Court considered two questions: (i) whether the Securities Litigation Uniform Standards Act of 1998 ("SLUSA") strips state courts of jurisdiction over class actions asserting claims exclusively under the Securities Act of 1933 ("1933 Act"); and (ii) whether, even if not, SLUSA empowers defendants to remove such class actions from state to federal court. Unlike the Securities Exchange Act of 1934, the 1933 Act grants both state and federal courts jurisdiction to hear claims brought under the Act, and also bars defendants from removing such claims to federal court. But SLUSA, which bars state courts from hearing "covered class actions" (*i.e.*, actions seeking damages on behalf of 50 or more persons) asserting state law claims, amended the 1933 Act's concurrent federal–state jurisdiction rule to clarify that it applies "[e]xcept as provided by" SLUSA. Following SLUSA, courts split over whether that exception deprives state courts of jurisdiction over all covered class actions.

The Court unanimously held that SLUSA's exception does not strip state courts of jurisdiction over covered class actions asserting only 1933 Act claims. The Court relied on SLUSA's text, reasoning that Congress could have used more precise language if it had wanted to provide for exclusive federal court jurisdiction. The Court also rejected the United States' position that SLUSA authorized defendants to remove covered class actions alleging only 1933 Act claims to federal court, finding that argument foreclosed by precedent and unsupported by SLUSA's text.

Cyan will almost certainly result in more 1933 Act claims being brought in state courts, which generally have less experience with securities class actions and 1933 Act claims, and where plaintiffs can try to circumvent some of the restrictions of the Private Securities Litigation Reform Act of 1995.

Following Cyan, *plaintiffs will file more class actions asserting only 1933 Act claims in state courts, and defendants will not be permitted to remove those class actions to federal courts. More state court rulings may result in less uniformity in 1933 Act case law.*

Marinello v. *United States*

Tax – Criminal Obstruction of Tax-Related Proceedings

In *Marinello*, the Supreme Court considered the scope of a criminal obstruction provision of the Internal Revenue Code, referred to as the Omnibus Clause, which makes it a felony to "corruptly or by force or threats of force . . . obstruct[] or impede[], or endeavor[] to obstruct or impede, the due administration of [the Internal Revenue Code]."

Drawing from previous cases interpreting analogous obstruction provisions, the Court held that interference with routine, administrative procedures that are near-universally applied to all taxpayers, such as the ordinary processing of income tax returns, does not constitute obstruction of "the due administration of [the Internal Revenue Code]." Rather, in this context, that statutory phrase refers to targeted governmental tax-related proceedings, such as particular investigations or audits.

This narrow construction, the Court explained, requires the Government to make two showings to obtain a conviction under the Omnibus Clause. *First*, the Government must show a nexus—*i.e.*, a "relationship in time, causation, or logic"—between the defendant's obstructive conduct and the particular tax-related proceeding. *Second*, the Government must show that the proceeding was pending at the time the defendant engaged in the obstructive conduct or at least was reasonably foreseeable by the defendant at that time.

Marinello thus limits the reach of the Omnibus Clause, ensuring that not every failure to comply with a provision of the Internal Revenue Code or IRS regulation can be transformed into a felony obstruction charge.

No. 16-1144

Opinion Date: 3/21/18

Vote: 7–2

Author: Breyer, J.

Lower Court: Second Circuit

To support a conviction for obstruction of the IRS's administration of the tax laws, the government must show that a defendant attempted to obstruct a pending or reasonably foreseeable tax-related investigation or audit.

South Dakota v. *Wayfair, Inc.*

Tax – State Taxation of Remote Sellers

No. 17-494

Opinion Date: 6/21/18

Vote: 5–4

Author: Kennedy, J.

Lower Court: S.D.

In *Wayfair*, the Supreme Court agreed to reconsider two of its prior decisions (issued in 1967 and 1992) that held that, under the Dormant Commerce Clause of the U.S. Constitution, a state may not require a business with no physical presence within its borders to collect and remit a sales tax on goods it sells to residents of the state. *Wayfair* involved a challenge by large online retailers to a 2016 South Dakota law requiring out-of-state businesses that sell a significant amount of goods or services to South Dakota residents to collect South Dakota sales tax on those transactions. The online retailers argued the new South Dakota law was invalid under the Court's physical presence requirement.

The Court overruled its earlier decisions and held that a company need not necessarily be physically present in a state before that state may require the company to collect and remit sales tax. The Court explained that, particularly with the increasing amount of commerce transacted online, a company can easily have a "substantial nexus" in a state without having a physical storefront or warehouse there. And those same technological advances, the Court opined, may reduce the burden of complying with the various sales tax laws of numerous states.

The Court also noted that the physical presence requirement allowed remote sellers to escape the burdens of tax collection and charge lower prices than in-state firms simply by not having to charge a sales tax. Giving such competitive advantage to remote sellers was particularly unjust, the Court reasoned, given that the purpose of the Dormant Commerce Clause is to prevent discrimination *against* interstate commerce. The Court left open the possibility that laws like South Dakota's could violate the Commerce Clause by unduly burdening interstate commerce, but did not elaborate on what the showing required.

Wayfair *will incentivize states to enact laws requiring remote sellers to collect and remit state sales taxes even in states where those sellers have no physical presence, and will likely lead to increased costs for sellers needing to comply with numerous different tax regimes.*

S&C's Supreme Court and Appellate Practice

Sullivan & Cromwell has one of the premier appellate practices in the country, as recently recognized by *The National Law Journal*, which named the practice to its 2016 Appellate Hot List, and *Law360*, which named S&C a 2016 Appellate Practice Group of the Year. S&C lawyers have achieved success for the Firm's clients in cases before the U.S. Supreme Court, federal courts of appeals and administrative agencies, state supreme and appellate courts, and numerous international tribunals. S&C's appellate practice draws on the experience of 13 former U.S. Supreme Court clerks and more than 170 clerks to judges on 12 federal courts of appeals and many state courts and international tribunals.

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- bankruptcy
- corporate and securities
- criminal procedure
- environmental
- ERISA
- false claims
- intellectual property
- labor and employment
- products liability
- tax

Clients turn to S&C for their high-stakes appeals because of the Firm's extensive appellate expertise and its deep understanding of their industries, issues, and concerns. What sets S&C's appellate practice apart is that its lawyers have handled virtually every phase of civil and criminal litigation on behalf of clients. Because of that broad experience, they are able to work collaboratively with trial teams to frame arguments persuasively at any level.

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