

SULLIVAN & CROMWELL LLP

Lawyers



Morgan L. Ratner

Special Counsel

Washington, D.C.

T. +1-202-956-7500

F. +1-202-293-6330

ratnerm@sullcrom.com

Morgan Ratner is special counsel in Sullivan & Cromwell's Litigation Group and is a member of the Firm's Supreme Court and Appellate Practice.

Prior to joining the Firm, Ms. Ratner served in the Office of the Solicitor General at the U.S. Department of Justice. During her tenure there, she argued eight Supreme Court cases involving areas of federal law such as securities regulation, bankruptcy, employment, intellectual property, criminal law, and elections law. Her recent arguments include *Minerva Surgical, Inc. v. Hologic, Inc.* (patent validity) and *Emulex Corp. v. Varjabedian* (private Section 14(e) suits). While at the Solicitor General's Office, Ms. Ratner also filed over 150 Supreme Court briefs at the merits and certiorari stages. She received a John Marshall Award, the Department of Justice's highest award offered to attorneys, for exceptional service to the Office of the Solicitor General and to the Department of Justice.

In private practice, Ms. Ratner regularly briefs and argues appeals and dispositive motions; provides strategic guidance for trial and administrative proceedings; and counsels clients confronting high-stakes legal issues.

After graduating Harvard Law School—where she was awarded the Fay Diploma as the top student in her class—Ms. Ratner clerked for Chief Justice John G. Roberts, Jr. of the U.S. Supreme Court and then Judge Brett M. Kavanaugh of the U.S. Court of Appeals for the D.C. Circuit. She is a member of the Edward Coke Appellate Inn of Court and is a volunteer with Street Law, Inc.

Rankings and Recognitions

- Law360 Rising Star in Appellate Practice (2022)
- U.S. Attorney General's John Marshall Award (2021)

Recent Speaking Engagements

- March 17, 2022, State and Local Legal Center, *Supreme Court Midterm Webinar*
- June 9, 2022, SCOTUS 101 Podcast, *Interview*
- June 10-11, 2022, Street Law and Supreme Court Historical Society, *Supreme Court Summer Institute – Sessions on Precedent*

PRACTICES & CAPABILITIES

Litigation

Supreme Court and Appellate

EDUCATION

2012, Harvard Law School, J.D.

2009, University of Maryland, B.A.

BAR ADMISSIONS

New York

District of Columbia

South Carolina

CLERKSHIPS

Chief Justice John G. Roberts, Jr., United States Supreme Court, 2013-2014

The Honorable Brett M. Kavanaugh, United States Court of Appeals, District of Columbia Circuit, 2012-2013

and Appellate Advocacy

- July 6, 2022, Washington Legal Foundation, *The U.S. Supreme Court: October Term 2021 in Review*
- August 3, 2022, National Conference of State Legislatures – Legislative Summit, *Supreme Court Center Stage*

SELECTED REPRESENTATIONS

Cases Argued in the Supreme Court

Bankruptcy:

- *U.S. Bank National Association v. Village at Lakeridge* (2018): whether a designation of non-statutory insider status is reviewable for clear error.

Intellectual Property:

- *Minerva Surgical v. Hologic* (2021): whether and when the doctrine of assignor estoppel applies.

Securities:

- *Emulex Corp. v. Varjabedian* (2019): whether an inferred private right of action exists under Section 14(e) of the Securities Exchange Act for misstatements or omissions made in connection with a tender offer.

Civil and Constitutional Rights:

- *Comcast Corp. v. National Association of African American-Owned Media* (2020): whether a claim of race discrimination in contracting under 42 U.S.C. 1981 requires but-for causation.
- *Our Lady of Guadalupe School v. Morrissey-Berru* (2020): whether the First Amendment’s “ministerial exception” applies when an employee carries out important religious functions.
- *Virginia House of Delegates v. Bethune-Hill* (2019): whether the Virginia House of Delegates had standing to appeal, and whether the redistricting plan was an unconstitutional racial gerrymander.

Criminal Law and Procedure:

- *Caniglia v. Strom* (2021): whether the Fourth Amendment permits a non-investigative warrantless home search for “community caretaking.”
- *Holguin-Hernandez v. United States* (2020): whether a defendant must object after sentencing to preserve a substantive-reasonableness challenge.