

# 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



## CRAVATH, SWAINE & MOORE

unanimous Second Circuit reversal of the lower court’s adverse ruling. The Supreme Court victory affirmed our efforts and established the fundamental importance of examining both sides in a two-sided market. The win is a testament to our incredible team, many of whom worked on the case from day one; our deep understanding of AmEx’s business, history and objectives; and a client who was willing to go the distance with us to protect its business.

■ **HOW DID YOUR FIRM APPROACH APPELLATE SUCCESS OVER THE PAST YEAR?** Appellate success requires perseverance and a commitment to clearly articulating your view of the law. In our work for AmEx, we pursued a central strategy focusing on a two-sided market analysis and continually honed our argument through 10 years of investigation, discovery, trial and appeals.

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

While it is always important to be prepared and know the facts of the case, it is also important to listen carefully to what opposing counsel says so you can react to the arguments they make, rather than just making the argument you prepared.

*Responses submitted by Evan Chesler (photographed on left); a partner at Cravath, Swaine & Moore.*

■ **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.** Our U.S. Supreme Court win for American Express in *Ohio v. American Express* vindicated AmEx’s business model and ended one of the most significant antitrust enforcement actions in recent years. We handled the matter for over a decade—leading AmEx through the initial DOJ investigation, a six-week trial, and a

**CRAVATH, SWAINE & MOORE LLP**