

MVP: Morrison & Foerster's Deanne Maynard

Law360, Washington (December 12, 2017, 1:55 PM EST) -- As co-chair of Morrison & Foerster LLP's appellate and Supreme Court practice, Deanne Maynard notched several big victories this year at the high court and the Ninth Circuit, including a decision that speeds the path to market for biosimilar medicines, securing her a place among Law360's 2017 Appellate MVPs.

HER BIGGEST ACCOMPLISHMENT THIS YEAR:

Among her recent successes, Maynard spotlighted the Supreme Court's decision in the case of Sandoz v. Amgen, a unanimous ruling that interpreted the Biologics Price Competition and Innovation Act. Sandoz's team, including Maynard, convinced the court that biosimilar makers could provide required 180-day notice of sales prior to a drug's approval by the Food and Drug Administration —effectively allowing it onto the market sooner.

"The victory in the Supreme Court was particularly rewarding because we had worked on that case for a long time and it was a pretty significant decision," Maynard said.

The court's decision was also its first interpretation of the statute and a reversal of a 2015 Federal Circuit decision on the same law.

"It is a good representation of our work," Maynard said. "It really is fun to be an appellate lawyer especially here at Morrison Foerster, where I get to work at our clients' most important cases, on cutting edge legal issues that are cases of first impression for the courts."

HER BIGGEST CHALLENGES OF 2017:

Getting onto a case after a trial court has already ruled against a client is always a challenge, Maynard said, and getting reversals from an appellate court is especially rewarding.

"In some ways, these are the most rewarding because we often get cases after they have gone on a long



Deanne Maynard
Morrison & Foerster

time and we are able to frame an issue up for the court of appeals in a way to flip the outcome and send it back to the district court for trial or a full reversal," Maynard said.

For instance, Maynard and her team convinced a Third Circuit panel this year to revive a patent licensing suit brought by Washington University against the Wisconsin Alumni Research Foundation — the nonprofit patent licensing organization for the University of Wisconsin. There, the Third Circuit wrote that factual issues remained for the Delaware federal court to resolve before deciding the allegations that WARF undervalued a patent.

OTHER CASES SHE'S PROUD OF:

In a decision handed down last month, the Ninth Circuit held that a lower court had misinterpreted a treaty recognizing fishing rights of the Lummi Nation off the Washington coast. Maynard said she was glad to have helped confirm the tribe's rights to fish in its traditional waters.

"That is a very significant victory because of the cultural and historical importance to the client about their fishing rights," Maynard said.

The case has its roots in decades of litigation over the historic rights of tribes in the area, and the Lummi tribe had its rights guaranteed by its 1855 treaty meant to cover fishing in the Puget Sound off of Seattle.

WHAT MOTIVATES HER:

Working as an appellate attorney lets Maynard see a whole swath of different areas of the law — from intellectual property to antitrust — and being able to work on such a variety of issues "is never boring, and I get to work with a wide variety of my colleagues," she said.

Maynard said she enjoys the work of crafting arguments to appellate courts, knowing what the judges expect and how best to frame issues for them, while working with colleagues who have expertise on the cases themselves.

"It is like a Reese's peanut butter approach to give clients service; they get appellate specialists and subject matter specialists," Maynard said.

Even outside the court, Maynard finds time to argue on behalf of her clients. Earlier this year, she successfully represented the Weird Sisters of "Macbeth" in a Shakespeare Theatre Company mock trial before Supreme Court Justices Ruth Bader Ginsburg and Stephen Breyer, and represented women bar owners and bartenders in a re-enactment of the 1948 Supreme Court case *Goesaert v. Cleary* challenging a discriminatory law.

"It's hard not to come away from that with a renewed appreciation for everything that Justice Ginsburg and other women and men who fought for equal rights have accomplished," Maynard said.

HER ADVICE FOR ATTORNEYS LOOKING TO GET INTO APPELLATE WORK:

Maynard emphasized that her work is not just an individual effort; it's the work of the team surrounding her, as well. She noted that the other co-chair of Morrison & Foerster's appellate and Supreme Court practice, Joseph Palmore, was a key part of the team for the Sandoz v. Amgen Supreme Court case.

"It helps to have great colleagues, and I have been fortunate in my career to have terrific mentors and have great colleagues," Maynard said.

— As told to Michael Macagnone

Law360's MVPs are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals and complex global matters. A team of Law360 editors selected the 2017 MVP winners after reviewing more than 1,000 submissions.

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