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2021 NLJ Awards: Professional Excellence

APPELLATE HOT LIST

Morrison & Foerster

■ **Tell us about your top U.S. Supreme Court or federal appeals court victory over the past year and how you and your team achieved the win.**

We had two Supreme Court wins. In *Thole v. U.S. Bank*, we made arguments based on precedent and Justice Thomas's unique standing jurisprudence to get the five votes we needed for a complete victory for our client U.S. Bank. The Supreme Court agreed with us that, in defined-benefit retirement plans, participants lack standing to challenge plan-management decisions when their benefits are not at risk. In *ARCO v. Christian*, we unpacked one of the most complex statutes in the U.S. Code to convince the Supreme Court that the Superfund law does not strip state courts of jurisdiction over property contamination claims.

■ **What was your firm's key to appellate success over the past year?** We focus on the trees and the forest. The trees are the facts and precedents we marshal to show why we win. The forest is the big-picture theme we develop to convince the Court that we should win.



Joseph Palmore, Partner

■ **What is the most satisfying element of appellate practice, in your opinion?** I love creating oral argument opportunities for junior lawyers and helping them prepare. I then get to sit at counsel table, pour their water, and silently cheer as they stand at the podium and hit it out of the park.

■ **What's the most valuable lesson you learned as a young lawyer?** Justice Ruth Bader Ginsburg taught me (and her other law clerks) to sweat the details—to ensure that every paragraph, sentence, clause, and word in written work is just right. ■