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THE APPELLATE HOT LIST

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WHEN IT COMES to appellate practice, giving credit where it's due can be complicated.

It's the nature of the practice. World-changing precedents rarely are the work of a single law firm. As we scrutinized the achievements of the dozens of firms nominated for this, our first Appellate Hot List, that quickly became clear. Cases important enough to land before the U.S. Supreme Court or other appellate venues tend to attract lots of interested parties—ones either directly interested or with broader concerns about how the outcome will shape the law. Great firms work in concert to achieve their goals.

We asked our readers to nominate firms that scored at least one significant appellate win since January 2007, plus

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an impressive track record overall. A "significant win" meant prevailing before the U.S. Supreme Court, a U.S. circuit court of appeals or a state court of last resort when the financial stakes were high or an important legal principle was at stake. Government attorneys were not eligible (so the California attorney general's office, for example, unfortunately gets no credit here for its role in sustaining the big tobacco settlement against an

antitrust claim). We also examined the records of dozens of cases.

The firms on this list all played roles in the most important appeals of the year, drafting the main briefs or offering the main oral arguments, or else chiming in as friends of the court. We looked for evidence that amicus briefs contributed to an outcome (by offering arguments referenced in the ruling, for example). For each firm, we list a number of cases that we felt illustrated the skills the organization had to offer. Unfortunately, space did not allow us to list each firm that contributed to a specific outcome. Also unfortunately, some fine appellate firms did not make this list. The ones that did get credit for unqualified excellence. **NLJ**

—MICHAEL MOLINE

Williams & Connolly

Williams & Connolly houses its 230 attorneys in a single office in Washington. Twelve of that number have argued before the U.S. Supreme Court (six of them more than once). The firm's ranks include 15 former Supreme Court clerks plus former clerks from all 13 federal courts of appeals. In a 2006 case, the firm won the first repudiation by a federal appellate court of the government's effort to entrust a privilege review of subpoenaed documents to a "taint team" comprising government prosecutors.

NOTEWORTHY CASES:

■ **MedImmune Inc. v. Genentech Inc.**, 127 S. Ct. 764 (2007). Lead attorney John G. Kester. The Supreme Court voted, 8-1, to dispense with established Federal Circuit precedent. It reversed lower-court decisions against Williams & Connolly client MedImmune, ruling for the first time that a licensee need not actually break or terminate its license agreement before it can challenge the patent at issue.

■ **People ex rel. Spitzer v. Grasso**, 836 N.Y.S.2d 40 (N.Y. App. Div. 2007). Lead attorneys Brendan V. Sullivan and Gerson A. Zweifach. The intermediate-level New York Appellate Division ruled that then-state Attorney General Eliot Spitzer exceeded his authority in seeking return of the large compensation package paid to former New York Stock Exchange Chairman Richard Grasso, the firm's client.

■ **In re Prempro Products Liability Litig.**, 514 F.3d 825 (8th Cir. 2008). Lead attorney F. Lane Heard III. The 8th Circuit rejected an appeal by a plaintiff in the massive multidistrict litigation over Wyeth's hormone replacement pharmaceuticals.

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