

Rising Star: Williams & Connolly's Luke McCloud

By Khorri Atkinson

Law360 (June 23, 2022, 8:38 PM EDT) -- Williams & Connolly LLP partner Luke McCloud has successfully tried several cases to judgment in federal and state courts before making his U.S. Supreme Court debut in January, earning him a spot among the appellate attorneys under age 40 honored this year by Law360 as Rising Stars.

ONE OF HIS PROUDEST MOMENTS:

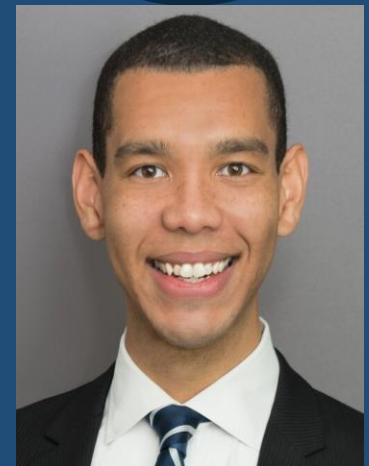
One of the highlights of McCloud's legal career thus far was when he appeared in January before the Supreme Court for the first time to argue in favor of a pro bono client seeking to reduce his 19-year prison term for crack cocaine charges. McCloud, a former clerk for Justice Sonia Sotomayor and then-D.C. Circuit Judge Brett Kavanaugh, is one of a few Black lawyers in private practice to argue before the high court.

A decision in the case, known as *Concepcion v. United States*, is still pending. But McCloud told Law360 that his appearance "was a significant moment for me and my team."

The case involves Carlos Concepcion, a convicted Massachusetts crack cocaine dealer who sought relief in light of reforms passed after he was sentenced to prison in 2009. He made three unsuccessful attempts to reduce his prison term after the 2010 passage of the Fair Sentencing Act, which reduced the disparity in sentences between powder and crack cocaine offenses.

In 2019, Concepcion argued he was no longer a career offender after the passage of the First Step Act the previous year, and asked to be sentenced to time served and be released. But a district court judge denied his motion, and the First Circuit upheld the decision. Concepcion petitioned the Supreme Court last year.

The U.S. Sentencing Commission applies the Fair Sentencing Act retroactively, paving the way for people sentenced before its enactment to seek a reduction in prison time, but has not done the same for the First



Luke McCloud
Williams & Connolly

Age: 37

Home base: Washington, D.C.

Position: Partner

Law school: Harvard Law School

First job after law school:

Clerked for Judge Paul D. Niemeyer at the Fourth Circuit, and later joined Williams & Connolly as an associate.

Step Act. McCloud told the justices the First Circuit precedent has created a circuit split that conflicts with the First Step Act's text, and that it wrongfully requires courts to ignore a prisoner's rehabilitation, good behavior and possible changes in career offender status — information judges could use in exercising discretion in resentencing.

"It's a case that is meaningful to me for a number of reasons. One is that many of the people who are subject to the First Step Act are Black men like myself. So having the opportunity to try to do something to improve this situation for thousands of Black men caught up in the criminal justice system is very significant to me," McCloud said.

AN UNEXPECTED CAREER TRAJECTORY:

Practicing law was never a career aspiration, said McCloud, who graduated from the Georgia Institute of Technology in 2007 with a bachelor of science degree in aerospace engineering. He ultimately realized a career in engineering was "not as attractive to me" as he initially thought.

"It turned out I was too tall to be an astronaut," he joked.

With an interest in law and policy issues, McCloud later enrolled at Harvard Law School, where he graduated in 2011. He would go on to clerk for Fourth Circuit Judge Paul V. Niemeyer, now-Justice Kavanaugh while he was serving at the D.C. Circuit, and Justice Sotomayor. McCloud joined Williams & Connolly in 2012 as an associate and was later promoted as a partner in January 2021. In his current role, he litigates issues across a variety of areas such as intellectual property, securities and liability matters.

WHY A YOUNG LAWYER SHOULD CONSIDER APPELLATE LAW:

"If you love the law as an academic discipline but also want the ability to effect practical change," young lawyers should consider practicing appellate law, McCloud said.

This is not to say working at the trial court level would not give emerging attorneys the experience to participate in cutting-edge legal issues. But McCloud said appellate courts often have the final say in the outcome of a case, and working in the appellate practice allows attorneys to develop case law that offers guidance to trial courts.

HOW HE APPROACHES COMPLEX CASES:

It's a team effort. McCloud said he and his colleagues often utilize both appellate and trial attorneys at Williams & Connolly to develop a litigation strategy they should take in briefing and during oral arguments.

"It's a teamwork-oriented approach," he emphasized.

HE'S LIFTING WHILE CLIMBING:

McCloud said he remains cognizant that his clients are his priority and he should get the best result for them. He also tries to create opportunities for younger lawyers on his team "to shine" and help grow their skill set.

"One of the reasons I've been able to have this success is because people have pushed me to do things I didn't necessarily think I was ready to do, and they gave me the opportunities I never expected," he said.

—As told to Khorri Atkinson

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2022 Rising Stars winners after reviewing more than 1,350 submissions. Attorneys had to be under 40 as of April 30, 2022, to be eligible for this year's award. This interview has been edited and condensed.

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