MVP: Williams & Connolly's Lisa S. Blatt

By **Christopher Cole**

Law360 (November 14, 2019, 2:54 PM EST) -- Lisa S. Blatt, chair of Williams & Connolly LLP's Supreme Court and appellate practice, scored a high court win for BNSF Railway over an employment tax controversy and successfully sought the justices' review in two cases set for oral argument this term, achievements that make her one of Law360's 2019 Appellate MVPs.

HER BIGGEST ACCOMPLISHMENT THIS YEAR:
Blatt didn't skip a beat when reflecting on the main event of her 2019 — her return "home" earlier this year to Williams & Connolly, where her career took off in the 1990s, to run the firm's Supreme Court team. "My biggest accomplishment was coming to Williams & Connolly and setting up this practice with two other women. I feel like this was a life-altering and career-changing experience for me," Blatt told Law360.

Also this year, Blatt, representing Atlantic Richfield Co., successfully petitioned the Supreme Court to review whether state residents may be allowed to sue for cleanup costs in connection with a Superfund site beyond those already ordered by the U.S. Environmental Protection Agency. That case will also weigh whether state residents are "potentially responsible parties" under the Comprehensive Environmental Response, Compensation and Liability Act.

Lisa S. Blatt
Williams & Connolly

Blatt also persuaded the high court to settle a circuit split on whether a trademark owner must show an infringer acted "willfully" to obtain an award of the infringer's profits. That case finds Blatt representing a company called Romag Fasteners in a long-running fight with Fossil Inc.

HER BIGGEST CHALLENGE THIS YEAR:
Blatt told Law360 she's been occupied "just to get ready" for those two Supreme Court cases, but after rejoining Williams & Connolly in February to steer the Supreme Court and appellate practice, she said she's "still assimilating the teams and getting the group off the ground."
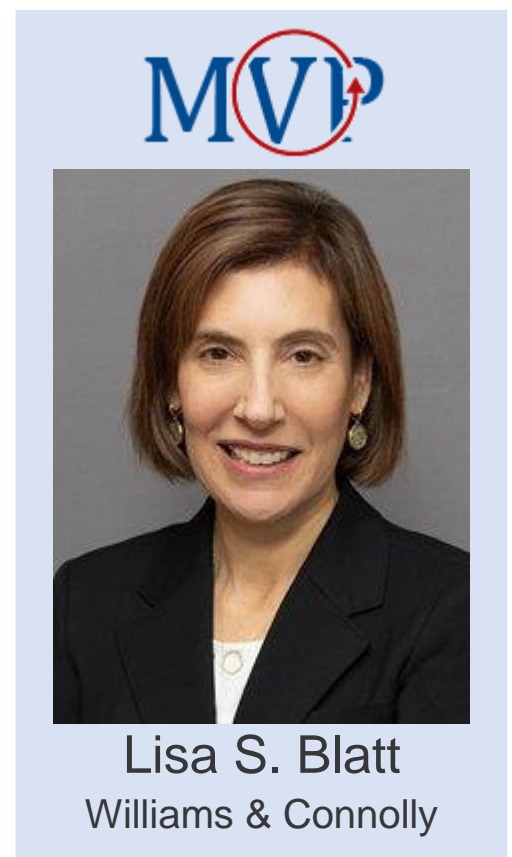
"There's just a lot of shifting sands," she added, alluding to the "musical chairs" that have taken place both at Williams & Connolly and at her previous firm, Arnold & Porter. "It will all sort itself out, I would think by 2020, but it is still somewhat of a challenge."

When it comes to the high court cases, she points to the upcoming CERCLA and trademark disputes as "two meat-and-potatoes business cases," especially the trademark case, as it concerns a long-standing circuit split. "They"re both significant," she said.

WHY SHE'S AN APPELLATE ATTORNEY:

Blatt traces her interest in law back to her time as a high school debater, during which she picked up a knack for persuasion. "What I like doing and what I think I'm good at is telling a story and you paint a picture and it's very thematic," she said.

That skill applies to appellate law, where Blatt described her goal as to "captivate and capture" either a panel of judges or the Supreme Court justices. "The advocacy's just at a different level than the trial level," Blatt said. "I enjoy and like trying to convince a court which way to take the law."

Blatt explained that there are only fine differences between arguing before a jury or an appeals court. "Do you capture someone's version of the facts, or do you try to capture and convince someone of what the law is? It's similar, it's just to a different audience," Blatt said.

She added that she likes how appeals involve more writing. "The appellate world is more of, you do it in a brief and with words. But it's the same sort of mission of coming up with a winning theme," she said.

WHAT MOTIVATES HER:

Blatt said she's driven by a desire to win and achieve the ideal outcome for her clients. "I tend to empathize with the client. Once you step into their shoes, you want to win. They've got a problem and it needs fixing," she explained.

Blatt continued, "If I had a legal problem, I wouldn't want a lawyer who's detached. I'd want the lawyer to treat it as their problem and empathize with me, as opposed to an arm's-length 'let me give you advice.' I'd want them in the trenches with me."

Blatt added that it's important "the client knows you're there with them."

WHAT IT WAS LIKE FIRST ARGUING IN THE SUPREME COURT:

In reflecting on the 1990s, when her career first brought her before the high court, Blatt described the experience as "frightening, stressful." At the time, Blatt noted, William Rehnquist served as Chief Justice, and Justices John Paul Stevens, Sandra Day O'Connor, Antonin Scalia and David Souter were all on the court — different personalities than what the court has today.

"Justice Scalia was larger than life," she said. "The chief was very dry, and O'Connor was spicy. Stevens and Souter brought their own, I would say, humanity and charm to the court."

"They all just had their own personalities," she recalled.

Blatt has argued 37 cases before Supreme Court, prevailing in 34, according to Williams & Connolly. In that arena of outsize personalities, Blatt told Law360, it's hard not to feel a sense of rapport with the justices as cases move along. "When you advocate before them, you just get attached to them, because

they're the people you want to persuade," she said.

"It's like the empathy with the client," Blatt said. "It's very hard not to want to make them happy."

— As told to Christopher Cole

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 2019 MVP winners after reviewing nearly 900 submissions.