

SUPREME COURT BRIEF

Another Williams & Connolly Debut

Luke McCloud's argument in *Concepcion v. United States* raises an issue under the 2018 First Step Act, a law that gives thousands of non-violent offenders an opportunity to earn an early release from prison or a reduced sentence.

BY MARCIA COYLE

Welcome to Supreme Court Brief! This week is the final week of the January argument session. We spoke with former Sotomayor clerk Luke McCloud, a young appellate “rockstar,” says his Williams & Connolly partner Lisa Blatt, about his first time at the lectern. We also check in on the lawyers arguing in this final January round—a mix of veteran advocates and newbies. And, in case you missed it, scroll down to read how David Boies and his firm got involved in this week's argument stemming from the Nazis' appropriation of an art masterpiece.

Another Williams & Connolly Debut

Luke McCloud, partner at Williams & Connolly, would be a stand-out appellate advocate even if he were not one of the appallingly few Black lawyers in private practice to argue before the U.S. Supreme Court.

On Wednesday, he will earn that generally rare argument credential when he makes his debut before the court where two of his former bosses now sit: Justices Sonia Sotomayor and Brett Kavanaugh, from when he sat on the D.C. Circuit.

“He is extremely talented and has been a very successful patent lawyer with a ton of arguments in the Federal Circuit,” said Lisa Blatt, chair of Williams & Connolly's Supreme Court and appellate practice. “He made partner last year. He is a young Rockstar.”

McCloud's argument in *Concepcion v. United States* raises an issue under the 2018 First Step Act, a law that gives thousands of non-violent offenders an opportunity to earn an early release from prison or a reduced sentence.

“It is especially meaningful for me as a Black man to be arguing this case because so many people who are affected by the First Step Act are Black men,” McCloud said. “I'm honored in general and to have the opportunity to make a difference in so many lives.”

Although other Black lawyers have stood at the high court's lectern, the list is still



Luke McCloud, with Williams & Connolly.

Courtesy photo

astonishingly small compared to their white counterparts. The list includes, for example, Thurgood Marshall; Bryan Stevenson, head of Equal Justice Initiative, who last argued in 2018; the late John Payton of WilmerHale; Christina Swarns, Elaine Jones and Constance Baker Motley, all of the NAACP LDEF; former Assistant to the U.S. Solicitor General and now California Justice Leondra Kruger; and WilmerHale partner Debo Adebile, who argued while with the NAACP LDEF.

"I do hope I'm not the last Black man to argue in the court for a while," McCloud said. "I know there are many, many other talented Black and diverse lawyers doing this appellate work who are just as capable as I am. Hopefully with leaders like Lisa, the industry will see that change."

Blatt has said in earlier interviews with The National Law Journal that when she joined Williams & Connolly, the firm specifically asked her to develop and promote the next generation of appellate lawyers. To that end, she recently shepherded partners Sarah Harris, a former clerk to Justice Clarence Thomas, and Amy Saharia, a former clerk to Sotomayor, through their first high court arguments.

And now it is McCloud's opportunity. The Concepcion case came to Blatt and him as a result of the firm's strong relationship with the Federal Defender Office in Boston. It is the type of relationship that Blatt and the firm need in order for her to maximize argument opportunities for first-timers in the exceedingly-competitive market for cases.

"I've been fortunate to do a mix of trial and appellate matters," McCloud said. "I've

worked on cases outside the patent space since Lisa has been at the firm. She has been adamant that she wants to encourage the next generation to take the lead in developing the practice. Last term, we had arguments by three different lawyers. This term, it's me and Sarah Harris. It's really remarkable that Lisa is so generous."

His most important preparation for Wednesday's argument has been moot courts, he said, identifying the strongest and weakest arguments and working through potential questions. "Since the new year, this has been my baby and my focus for 90% of my time."

McCloud recalled walking past the high court lectern a number of times during his Sotomayor clerkship. "I never thought I'd be up there," he said. "It will be strange. I want to make them proud."