

Appellate, Constitutional & Administrative Law



Our Appellate, Constitutional and Administrative Law team succeeds in major appeals for our clients in virtually every litigation forum, including before the U.S. Supreme Court, federal and state appellate courts, government agencies, and national and international arbitration panels. In addition to cases originally tried by our firm at all levels of the state and federal court systems, we frequently handle high-profile appeals for cases previously tried by other firms.

Among the wide range of appeals that we handle, we regularly litigate high-stakes, leading-edge intellectual property matters, including Section 337 matters, before the U.S. Court of Appeals for the Federal Circuit and the U.S. Supreme Court. We also have brought major Supreme Court cases for leading energy companies, and played a principal role in regulatory cases before the federal courts of appeals. In the life sciences and healthcare area, we frequently advise on matters involving state regulatory agencies, the FDA and major federal False Claims Act litigation.

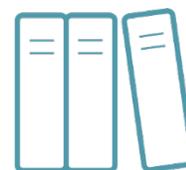
Recognized for the level, complexity and number of appellate matters we handle, our Washington, D.C.-based team is led by Jeff Bucholtz, a former Acting Assistant Attorney General for the Civil Division of the Department of Justice, and Ashley Parrish, an expert in handling strategic litigation and administrative law matters. In addition, our practice includes numerous attorneys with prestigious appellate clerkships, including the U.S. Supreme Court.

OUR APPROACH

Our appellate lawyers are sought out for their strategic advice and counseling, persuasively written briefs, and superior oral advocacy skills.

King & Spalding was ranked among the 25 “most decorated law firms” in the annual Litigation Power Rankings.

THE AMERICAN LAWYER



Our team has particular strength in the areas of technology, life sciences, healthcare, energy, environmental, and government.

They excel in handling difficult, groundbreaking cases in which the stakes are high, the legal questions are untested, and innovative thinking is required. And they are respected for their ability to simplify technical issues and convey our clients' positions in a clear, straightforward, and persuasive fashion, achieving outstanding results both on appeal and in framing legal arguments at the trial or administrative level.

In addition to representing clients in high-profile appeals, the firm's appellate practice provides strategic counseling and advice on legal issues well before cases reach the appellate level. We assist our clients with agency comments, citizen petitions, pretrial motions, jury instructions, critical motions and objections during trial, post-trial motions, and pre-appellate evaluation and mediation of cases. Our appellate lawyers also analyze pending legislation and regulations to assess their constitutionality and to evaluate the viability of legal challenges.

REPRESENTATIVE MATTERS

- Successfully prevailed in representing **two major energy corporations** on petitions for review to the D.C. Circuit challenging orders of the Federal Energy Regulatory Commission setting the tariff governing electricity rates in the New England power market.
- Representing an **oil and gas company** in litigation seeking to hold the company liable for land loss on the nation's coast; the case was dismissed by the federal district court, as upheld by the Fifth Circuit, and then denied writ of certiorari review by the Supreme Court.
- Successfully represented a **drug manufacturer** on appeal to the Second Circuit, where the appellate court reversed the district court and held that a later filed qui tam action must be dismissed under the "first-to-file bar" of the False Claims Act even though the previously filed qui tam action was eventually dismissed.
- Successfully represented **two manufacturers** in long-running litigation about whether retiree health benefits were vested and unalterable for life; in one case, the Supreme Court unanimously ruled that the benefits terminated when the collective bargaining agreement expired, and in the other case, the Sixth Circuit similarly held that the benefits did not vest.

RECOGNITIONS

Awarded "Appellate Group of the Year" by *Law360*

Nationally ranked appellate team by *Chambers USA*

Named Supreme Court and Appellate "Firm of the Year" by *Legal 500*

FOR MORE INFORMATION CONTACT



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