

## Q&A With Morgan Lewis' Allyson Ho

*Law360, New York (March 06, 2013, 2:49 PM ET)* -- Allyson Ho co-chairs the U.S. Supreme Court and appellate litigation practice at Morgan Lewis and Bockius LLP in Dallas. She has successfully litigated high-stakes cases for Fortune 500 clients in state and federal trial and appellate courts nationwide. She has successfully argued cases in trial and appellate courts across the country and has successfully litigated in both federal and state courts, including the U.S. Supreme Court, the Texas Supreme Court, and various federal and state intermediate courts of appeals nationwide. She also represents clients in government investigations and other adversarial settings outside of formal litigation proceedings.

Ho has held senior positions in both the White House and the U.S. Department of Justice. As special assistant to the president, she was responsible for briefing the president on a wide range of legal issues. As counselor to the attorney general, she oversaw the Justice Department's homeland security and immigration enforcement efforts on behalf of the attorney general. She also served as a law clerk to Justice Sandra Day O'Connor of the U.S. Supreme Court and Judge Jacques L. Wiener Jr. of the U.S. Court of Appeals for the Fifth Circuit.

### **Q: What is the most challenging case you have worked on and what made it challenging?**

A: If I had to pick just one, it would be a case from early in my legal career: Dr. Wen Ho Lee's successful civil suit against the U.S. government. I was privileged to work on that case with Brian Sun — an incredibly talented litigator and former federal prosecutor — in representing Dr. Lee right after my clerkship ended with Justice Sandra Day O'Connor. Ultimately, after the U.S. Court of Appeals for the D.C. Circuit upheld contempt findings against several reporters to whom, Dr. Lee alleged, the government had unlawfully leaked Privacy-Act protected information, Dr. Lee received \$1.6 million in settlement of the suit from the federal government and five media organizations.

The case was challenging not only because it was high profile and high stakes, but also because the lawyers representing the media included the lions of the First Amendment bar — Floyd Abrams chief among them. It was also challenging because, when I was involved in the case, we were litigating in the district court, not in the court of appeals. It really stretched me as an appellate litigator to be involved in such complex trial-level proceedings — and also gave me invaluable hand-on, trial-level experience that helped me become a better appellate litigator.

### **Q: What aspects of your practice area are in need of reform and why?**

A: Judicial salaries. Judges are grossly underpaid. Today, judges' law clerks can earn more as first-year associates at top firms than any federal or state judge.

**Q: What is an important issue or case relevant to your practice area and why?**

A: Two words — bad writing! Given that the vast majority of appeals today are won or lost on the briefs, the poor quality of many briefs is both surprising and disappointing. I have a lot of sympathy for appellate judges (and their law clerks) who day in and day out have to wade through briefs that are too long, too convoluted, and too inaccessible. They ignore the standard of review, fail to explain concepts unfamiliar to a generalist reader, and repackage trial-court briefing with little thought to the different considerations that come into play on appeal.

To me, good writing is like good manners — it's not just about "technicalities" like which fork to use or where to place a comma (as important as those things are). It's about showing respect for your readers and the investment of (scarce) time they're making in reading your brief. And ultimately, of course, it's about making the best possible case for why your client should win.

**Q: Outside your own firm, name an attorney in your field who has impressed you and explain why.**

A: Ted Cruz, the newly elected U.S. Senator from Texas. Ted, formerly the leader of Morgan Lewis's appellate practice, is one of the finest appellate advocates of his generation. When Ted served as solicitor general of the state of Texas, he litigated and won some of the most high-profile and significant cases in the U.S. Supreme Court. Ted's oral advocacy, in particular, is simply outstanding. I particularly admire his ability to boil a complex case or argument down to its essentials — making absolutely every word at the podium count. Even though he is now in the U.S. Senate, I hope we haven't seen the last of him — including his signature black cowboy boots — at a courtroom podium.

**Q: What is a mistake you made early in your career and what did you learn from it?**

A: As a young lawyer, I underestimated the importance of relationships to career and business development. I focused intensely on honing practice-based skills — and I was fortunate to work with some of the finest lawyers in the profession, who actually made it enjoyable to spend long hours working on fascinating cases. I wish, though, that I had eaten lunch fewer times at my desk, and gotten more involved in pursuits outside of the practice of law.

Law is a remarkably small world — and today's fellow junior associate is tomorrow's general counsel, or hiring partner, or judge. Today, when mentoring the young associates with whom I am privileged to work, I try to emphasize the importance of building relationships throughout your career — not only because it is an important part of career and business development, but also because it makes the practice of law more fulfilling as you invest yourself in others.

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