

APPELLATE

HOT LIST

The National Law Journal's annual Appellate Hot List profiles 20 firms that represent the best in the practice of appellate law. These are firms that have amassed precedent-setting victories in the U.S. Supreme Court, the circuit courts of appeal and state appellate courts and that have demonstrated impressive track records over time.

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Morgan, Lewis & Bockius

Led by Ted Cruz, former solicitor general of Texas, Morgan Lewis' primary appellate team members include Allyson Ho (former clerk to Justice Sandra Day O'Connor and counselor to the attorney general), Howard Radzely (former clerk to Justice Antonin Scalia and deputy secretary of labor) and Ron Tenpas (former clerk to Chief Justice William Rehnquist and head of the environmental division at the Department of Justice).

NOTEWORTHY CASES

- *FedEx Home Delivery v. NLRB*, 563 F.3d 492 (D.C. Cir. 2009). Lead attorneys Ted Cruz (argued) and Allyson Ho. The firm successfully represented FedEx in an appeal that challenged a determination by the NLRB that the owner-operators of FedEx delivery trucks are employees and not independent contractors.

- *Kimberly-Clark Corp. v. Factory Mutual Insurance Co.*, 566 F.3d 541 (5th Cir. 2009). Lead attorneys Ted Cruz (argued) and Allyson Ho. Affirming a district court's decision that Factory Mutual breached its contract, the 5th Circuit held that Factory Mutual could not condition the receipt of a policyholder dividend on Kimberly-Clark's renewal of its policy.

- *Thompson v. Connick*, 578 F.3d 293 (5th Cir. 2009). Lead attorneys Gordon Cooney (argued), Michael Banks and Allyson Ho. The 5th Circuit sitting en banc affirmed a \$14 million civil rights judgment in favor of Morgan Lewis client John Thompson, who wrongfully served 18 years on death row until he was exonerated by DNA evidence. The U.S. Supreme Court recently granted certiorari and will hear the case next term. In August, the *ABA Journal* reported that Touchstone Pictures signed a deal to produce a movie based on Thompson's case, with Matt Damon and Ben Affleck slated to play Cooney and Banks.

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Morgan Lewis

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