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## A Supreme Month

Lawyer Credits Preparedness in Ability to Argue Two U.S. High Court Cases in Three Weeks

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As Allyson Ho prepared to argue two appeals before the U.S. Supreme Court within 21 days, she relied on support from her husband and firm, but also gained strength for the unusual and grueling challenge by thinking of the late Texas lawyer Greg Coleman, who successfully argued two appeals within seven days.

"I've always deeply admired Greg, and as I prepared for these arguments, I thought of him and what a legendary lawyer he was, and it actually encouraged me," Ho said, noting that Coleman won both appeals he argued during that week in 2009.

Arguing two cases before the Supreme Court within 21 days is the "privilege of a lifetime," in Ho's view.

"I think I'd like a little longer than the 21 days the next time, but who's complaining? It was more a marathon than a sprint," she said.

Ho, a partner in Morgan, Lewis & Bockius in Dallas and Houston who is cochair of the firm's appellate practice, spent weeks in Washington, D.C., preparing for arguments on Nov. 10 and Dec. 1. In both cases, the Supreme Court granted review in the spring, but Ho said she had been involved in both cases and drafting briefs for many months.

In the first case, M&G Polymers v. Tackett, Ho's client, M&G Polymers, sought review. The issue is whether retiree health benefits are presumed



**Allyson Ho, partner in Morgan, Lewis & Bockius**

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to vest for life when a collective bargaining agreement is silent on that point.

In the second case, Ho represents the Mortgage Bankers Association in

Perez v. Mortgage Bankers Association. The issue before the Supreme Court on Dec. 1 was whether the U.S. Department of Labor needed to seek public comment and notice

when issuing a new interpretation of the Fair Labor Standards Act in determining which types of employees are entitled to overtime.

Ho said she got involved in M&G Polymers when her client petitioned for review when seeking an en banc review before the U.S. Court of Appeals for the Sixth Circuit, and in *Perez* after the government petitioned for review. Because she was on opposite sides for the two matters, Ho said it was “really the range of experience.”

Ho flew to Washington, D.C., a week before the first argument to do a series of moot arguments. Her husband, James Ho, a partner in Gibson, Dunn & Crutcher in Dallas who leads his firm’s appellate and constitutional law practice group in Texas, flew up later with the couple’s 3-year-old twins and surprised Ho on the steps of the Supreme Court building following the argument. Ho’s family stayed in Washington, D.C., for a week while she worked on preparation for her second argument, and then returned to Texas.

James Ho wasn’t able to hear either of his wife’s arguments, but he argued before the Supreme Court when solicitor general for Texas, so he understands the experience.

“It’s a little bit of a family tradition,” Allyson Ho said.

James Ho said he told his wife to enjoy the experience of arguing before the Supreme Court.

“My advice was simple: Have fun. You’ve put in the hours. You’ve read everything. You’ve mooted and mooted the case. Just enjoy the moment,” James Ho said.

While in Washington, D.C., Ho said, she participated in moot arguments for both cases at Georgetown University Law Center and at the U.S. Chamber Litigation Center. She also did one at the Heritage Foundation for M&G Polymers, and one at the State and Local Legal Center for *Perez*. She said she also participated in



JAY MALLIN

**Allyson Ho meets her family outside the U.S. Supreme Court after arguing her first case before the court on Nov. 10, 2014.**

a series of informal, internal moots at her firm, where lawyers in her firm—some involved in the appeals and some not—questioned her at length.

Ho said she was prepared for questions from the justices at both arguments.

“It’s nine brilliant lawyers trying to figure out an answer, and it’s exhilarating to be part of the process as they, in a sense, talked to each other and had a discussion among themselves,” she said. “They would ask a question, and you would be answering, and another justice would jump in as that question spurred a thought.”

Samuel Shaulson, a Morgan Lewis partner in New York City who represents the Mortgage Bankers Association, worked closely with Ho on *Perez* and sat with her at counsel table. Shaulson said Ho was prepared and handled the court’s tough questions well.

“She did a great job in juggling the two matters, but I don’t think it was a matter of mere juggling. It was being very well prepared up front and long before the arguments even came down, being very involved in the briefing of the case and preparing for all of the issues in the case,” Shaulson said.

Ho, who clerked at the Supreme Court for former Justice Sandra Day O’Connor, said she’s worked on briefing on a number of cases that reached the Supreme Court, but wasn’t expecting to actually argue two appeals in such close succession. She said she’s currently involved in other appeals seeking review by the Supreme Court, but hesitates even to voice out loud the prospect of landing another argument before the high court.

“It’s like lightning striking. I almost don’t want to jinx anything,” Ho said.

