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2021 NLJ Awards: Professional Excellence

APPELLATE HOT LIST

Stris & Maher

■ **Tell us about your top U.S. Supreme Court or federal appeals court victory over the past year and how you and your team achieved the win.** *Hillsborough v. Volkswagen*. Our clients, two large Counties, sued Volkswagen for installing “cheat devices” on vehicles in their jurisdictions. Volkswagen, who already paid \$20+ billion in penalties, obtained dismissal, arguing that non-federal claims were preempted by the Clean Air Act. We knew Volkswagen was wrong. But we had to convince a conservative panel to embrace a result that would subject Volkswagen to billions in additional liability. We did.

■ **What was your firm's key to appellate success over the past year?** Our business model. We're a progressive, entrepreneurial boutique designed to handle select, high-stakes projects. Our managing partner—Elizabeth Brannen—is deeply committed to inclusion and collaboration. We're a certified Women's Business Enterprise. And more than half of our lawyers identify as women, people of color, and/or LGBTQ.

■ **What is the most satisfying element of appellate practice, in your opinion?** The ability



PETER STRIS, FOUNDING PARTNER

of a small team to handle any case, no matter the size or venue. This year, for example, our close-knit team is representing H&M in a copyright case before the U.S. Supreme Court (*Unicolors v. H&M*). It will be my tenth Supreme Court oral argument.

■ **What's the most valuable lesson you learned as a young lawyer?** Make sure your colleagues know how much you appreciate them! ■

A SPECIAL REPORT

APPELLATE HOT LIST

The appellate luminaries featured in our 2019 special report won key matters before the U.S. Supreme Court and federal courts of appeals, staying true to their practice philosophies along the way. Here, they recount how they tackled appeals involving everything from racial gerrymandering to RICO. For more on their stories, read on. —*Lisa Helem*

STRIS & MAHER

Peter Stris discusses the firm's top U.S. Supreme Court win.

■ **TELL US ABOUT YOUR TOP U.S. SUPREME COURT OR FEDERAL APPEALS COURT VICTORY OVER THE PAST YEAR AND HOW YOU AND YOUR TEAM ACHIEVED THE WIN.** We scored a 9-0 victory before the U.S. Supreme Court in *Fourth Estate Public Benefit Corp. v. Wall-Street.com*. Overcoming strong policy arguments, we persuaded the court to adopt a plain text interpretation of the Copyright Act's "registration" requirement. We credit this achievement to the talent and hard work of our appellate team.

Over the last four U.S. Supreme Court terms, we won five of the nine merits cases we handled. This term, we hope to continue the trend with *Thole v. U.S. Bank*, an [Employee Retirement Income Security Act] standing case in which our petition for certiorari was granted earlier this year.

■ **HOW DID YOUR FIRM APPROACH APPELLATE SUCCESS OVER THE PAST YEAR?** We invested in our future. Our junior lawyers hold significant roles on our cases. This year, they crafted strategy, drafted briefs, met with the Office of the Solicitor General, presented federal circuit court arguments and much more.

■ **WHAT IS THE MOST SATISFYING ELEMENT OF APPELLATE PRACTICE IN YOUR OPINION?** Collaboration. We love partnering with our clients, other law firms and one another to solve our clients' most significant legal challenges.

■ **WHAT'S THE MOST VALUABLE LESSON YOU LEARNED AS A YOUNG**



Peter Stris

LAWYER? This may seem obvious, but listen to your clients. They often know their case better than anyone and have valuable insights that will help you advance their cause.

Submitted by Peter Stris, managing partner at Stris & Maher.

APPELLATE HOT LIST

a special report

“Common sense beats a footnote every time,” writes Paul Clement, when detailing the practice advice he’d give his younger self. “Focus on what’s right and true, not what’s clever and shrewd,” writes Don Verrilli. The stars of the appellate bar featured in this year’s special report practice what they preach. Over the past year, they won key matters before the U.S. Supreme Court and federal courts of appeal that tackled everything from religious freedom in mass transit advertising to jurisdictional issues involving the Clean Water Act to the music of the mighty Marvin Gaye. For more on their stories, “Keep on [reading.]”

—Lisa Helem



Peter K. Stris

STRIS & MAHER

Ultimately, what I’m most proud of isn’t the wins themselves; it’s our incredible appellate team. Take Doug Geyser as just one example. In the last year, he was a principal drafter of two winning Supreme Court briefs. He briefed and argued significant Ninth Circuit antitrust (*VidAngel, Inc. v. Disney Enterprises, Inc.*) and bankruptcy (*Hunsaker v. United States*) appeals. And he’s currently leading the briefing on a copyright case I’m arguing later this Term: *Fourth Estate v. Wall-street.com*.

■ HOW DID YOUR FIRM APPROACH APPELLATE SUCCESS OVER THE PAST YEAR?

We leveraged our fourteen-attorney firm’s extremely deep bench. This year, eight different Stris & Maher lawyers argued, or are currently preparing to argue, at least one significant business appeal before the United States Supreme Court, a federal circuit court, or a state Supreme Court.

■ WHAT PRACTICE ADVICE WOULD YOU GIVE YOUR YOUNGER SELF?

The old adage “there’s no ‘I’ in ‘team’” applies to lawyers too. Don’t try to do everything yourself. You’ll eventually figure this out, but you’ll save yourself a lot of trouble if you figure it out sooner. Oh, and remember to sleep before oral argument.

■ TELL US ABOUT YOUR TOP U.S. SUPREME COURT OR FEDERAL APPEALS COURT VICTORY OVER THE PAST YEAR AND HOW YOU AND YOUR TEAM ACHIEVED THE WIN.

Last term, we won two cases 9-0 at the U.S. Supreme Court: *U.S. Bank National Association v. Village at Lakeridge* and *Lagos v. United States*. These wins topped off a three-term run where three different Stris & Maher partners argued eight cases before the court, winning half of them.

Responses submitted by Peter K. Stris, a founding partner of Stris & Maher.

APPELLATE HOT LIST

A SPECIAL REPORT

When the stakes were high, the 20 law firms featured in this year's special report delivered—winning big in federal and state appeals courts across the country. They won landmark U.S. Supreme Court decisions on closely watched cases including those over affirmative action, patent infringement and a labor dispute. They also represented some of the most well-known companies in the land, among them Bank of America Corp., Chevron Corp. and the National Football League. These are their stories.

Stris & Maher

With just 12 lawyers, Stris & Maher is small, but the Los Angeles-based litigation boutique is also proving to be mighty.

The firm makes its first appearance on the Appellate Hot List this year after name partner Peter Stris racked up two wins before the U.S. Supreme Court in major business disputes. He's scheduled to appear again this term on behalf of a putative class of consumers in *Microsoft v. Baker*, as is partner Dan Geysler in *Midland Funding v. Johnson*, a consumer-protection case.

Impressively, Stris has managed to win even when conventional wisdom held that he barely had a shot.

In a path-breaking ERISA case, Stris in January prevailed, 8-1, before the high court on behalf of Robert Montanile. The court found that federally regulated insurers may only recoup unspent funds from an injured beneficiary who received a settlement.

Four months later, Stris won a unanimous decision on behalf of

seven sophisticated Escala Group Inc. investors. The justices permitted their securities fraud suit to remain in New Jersey state court, shooting down a bid to transfer it to federal court.

The firm represents many plaintiffs, but its client base is diverse.

Partner Elizabeth Brannen, for example, delivered for Barnes & Noble Inc. in October before the U.S. Court of Appeals for the Second Circuit in a novel copyright infringement case involving cloud storage.

"Our clients have to be comfortable with who we are. We're on both sides of the 'v,'" said Stris, who described the firm's culture as "youthful and vibrant" and akin to a Silicon Valley startup.

The founding partners are longtime friends and Harvard Law School classmates. Launched in 2007 as a three-lawyer consulting practice, the firm didn't really come together until 2014. Now, Stris said they're turning down 90 percent of the work they're offered.



PETER STRIS

Will they grow? Stris said there is no plan to become a particular size. The firm is focused on a different goal. "We just want to keep handling really interesting cases."

—JENNA GREENE