

## LINDSAY C. HARRISON, Partner

*Lindsay Harrison is a litigator and partner in the firm's Appellate and Supreme Court and Complex Commercial Litigation Practices. Ms. Harrison's practice spans a diverse range of matters and clients. Many of her matters involve high-stakes legal challenges under the Administrative Procedure Act, including recent victories challenging the rescission of the Deferred Action for Childhood Arrivals (DACA) program and challenging an Environmental Protection Agency (EPA) directive that limits the participation of scientists from academia and nonpartisan nonprofit organizations on federal science advisory committees. Ms. Harrison also leads the firm's Hospitality Industry Group, representing hotel management companies in disputes with owners, partners and consumer class actions. And Ms. Harrison is also a leading member of the firm's Education Practice, where she litigates cases on behalf of colleges and universities and advises them on regulatory issues. The National Law Journal has selected her as a "DC Rising Star"—one of 40 "game-changing lawyers age 40 and under" who are "leaders in the law" in the nation's capital. At the age of 30, she argued her first case in any court in the US Supreme Court, where she won an important victory for immigrants.*

Ms. Harrison frequently represents clients in litigation against the federal government. Recently, Ms. Harrison won a legal challenge to the President's rescission of the DACA program on behalf of Princeton University, a Princeton graduate and Microsoft. After Ms. Harrison prevailed in district court, the US Supreme Court affirmed, holding that the rescission of DACA was unlawful based on arguments made primarily in Ms. Harrison's brief. On behalf of the Union of Concerned Scientists and a prominent scientist, she recently prevailed in a legal challenge to an EPA directive that limits the participation of scientists from academia and nonpartisan nonprofit organizations on federal science advisory committees. After the First Circuit found that the legal challenge was justiciable, EPA rescinded the directive at issue.

Ms. Harrison is co-chair of the firm's Hospitality and Real Estate Litigation Practice. She has substantial experience litigating matters involving the hospitality industry, successfully representing hotel management companies in major lawsuits and arbitrations both throughout the United States and abroad. She has been ranked by *Chambers USA* as one of the top hospitality and leisure lawyers in the United States, with clients touting her as a "tireless champion for our interests" who "always goes the extra mile." In 2014, *Law360* named Ms. Harrison a "Rising Star" in the hospitality practice area, one of only four young lawyers chosen nationwide for this recognition. She has also been named to the BTI Consulting Group's Client Service All-Star List. Recent wins include securing dismissal with prejudice of a lawsuit brought against a hotel management company by the co-owner of that property, and winning dismissal with prejudice of a consumer class action brought against a hotel management company regarding resort fees.

Ms. Harrison's Higher Education Practice includes lawsuits brought against colleges and universities under Title VII and Title IX, and lawsuits brought by colleges and universities against the federal government. In addition to Ms. Harrison's recent DACA victory, she has represented coalitions of colleges and



## LINDSAY C. HARRISON Partner

### PRONOUNS

She / Her

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### PRACTICE GROUPS

Appellate and Supreme Court Practice  
Complex Commercial Litigation  
Consumer Law  
Education  
Litigation

### INDUSTRY GROUPS

COVID-19 / Coronavirus Resource Center  
Hospitality  
Post-Dobbs Task Force

### EDUCATION

Harvard Law School, JD, 2003; *cum laude*;  
Best Oralist, Ames Moot Court Competition;  
Executive Articles Editor, *Harvard Civil Rights - Civil Liberties Law Review*;  
Executive Technical Editor, *Harvard Women's Law Journal*

University of Southern California, BA, 2000;  
*summa cum laude*; with honors

### ADMISSIONS

California, 2004

District of Columbia, 2008

### COURT ADMISSIONS

US Supreme Court, 2008

US Court of Appeals, First Circuit, 2018

US Court of Appeals, Second Circuit, 2014

US Court of Appeals, Third Circuit, 2020

universities on issues ranging from DACA to the Travel Ban to SEVP's Covid-19 guidance. She recently won dismissal with prejudice of a lawsuit against a university by a formerly-tenured professor who asserted violations of Title VII and Title IX. Ms. Harrison also advises colleges and universities on a range of complex challenges they confront, including immigration, faculty and student governance practices, foreign gifts reporting and admissions.

In addition, Ms. Harrison regularly participates in appellate litigation matters before the federal appellate courts and the US Supreme Court in a wide variety of subject matters, including recent US Supreme Court victories in [Welch v. United States](#), [Kucana v. Holder](#), [Nken v. Holder](#) and a recent [DC Circuit victory](#) vacating criminal convictions against an individual and company under the Arms Export Control Act.

Ms. Harrison has a substantial pro bono practice, which has included her successful argument before the US Supreme Court on behalf of an asylum-seeker and the ongoing representation of a death row inmate in Georgia. She currently serves as managing attorney for the [UCS Science Protection Project](#), which facilitates privileged, confidential advice to federal scientists and their allies in order to bring to light actions that diminish the role of independent science in public health, public safety and environmental policymaking. In 2010, she received the inaugural Rosner and Rosner Young Professionalism Award from the American Bar Association, in recognition of her pro bono legal work and involvement in public service endeavors. For her work in the landmark immigration case of *Nken v. Holder*, Ms. Harrison was awarded the 2008 Albert E. Jenner, Jr. Pro Bono Award.

Ms. Harrison serves on the firm's Management Committee, Finance Committee, and Associate Development and Evaluation Committee.

Ms. Harrison has an active Supreme Court and appellate practice, including successful oral arguments in the Supreme Court and federal Courts of Appeals. Representative matters include:

- *Welch v. United States*, in which the Court held that the hundreds of persons serving mandatory-minimum sentences imposed under the Armed Career Criminal Act's "residual clause" may obtain relief from their sentences following the Court's invalidation of the residual clause as unconstitutionally vague.
- Argued before the US Supreme Court on behalf of the Petitioner in *Nken v. Holder*, 129 S. Ct. 1749 (2009), and obtained a 7-2 victory. The Supreme Court's decision set the standard for temporary stays of removal in federal court.
- Represented the petitioner in the US Supreme Court in *Kucana v. Holder*, 130 S. Ct. 827 (2010). The firm served as co-counsel for an asylum-seeker from Albania in a case regarding the authority of federal courts to review certain immigration decisions left to the discretion of the Attorney General by statute. The Firm secured a 9-0 victory.
- Authored significant amicus briefs in a variety of Supreme Court cases, including *Flores-Villar v. United States*, 09-5801 (2010) (equal protection

US Court of Appeals, Fourth Circuit, 2008

US Court of Appeals, Fifth Circuit, 2009

US Court of Appeals, Sixth Circuit, 2009

US Court of Appeals, Seventh Circuit, 2014

US Court of Appeals, Eighth Circuit, 2012

US Court of Appeals, Ninth Circuit, 2013

US District Court, District of Columbia, 2012

US Court of Appeals, DC Circuit, 2017

## JUDICIAL CLERKSHIPS

Hon. Rosemary Barkett, US Court of Appeals, Eleventh Circuit, 2006 - 2006

Hon. Alan S. Gold, US District Court, Southern District of Florida, 2003 - 2005

challenge to gender discrimination in U.S. citizenship laws); *Kiyemba v. Obama*, No. 09-581 (use of habeas corpus to challenge unlawful overseas detention); *United States v. Denedo*, 129 S. Ct. 2213 (2009) (availability of post-conviction relief in the military courts); *Bartlett v. Strickland*, 129 S. Ct. 1231 (2009) (vote dilution under Section 2 of the Voting Rights Act); *Kimbrough v. United States*, 128 S. Ct. 558 (2007) (sentencing for crack-cocaine crimes); and *Town of Castle Rock, Colorado v. Gonzales*, 545 US 748 (2005) (due process challenge to non-enforcement of restraining order).

- Served as key member of appellate teams in cases involving contract claims over insurance coverage, scope of tort claims for malicious prosecution and unfair competition, rate-setting decisions of administrative boards, and numerous other commercial and constitutional litigation matters.
- *City of Los Angeles v. Naranjibhai Patel*: The US Supreme Court agreed with and cited an amicus brief filed by Ms. Harrison on behalf of the US Chamber of Commerce, the world's largest business organization, representing the interests of more than 3 million businesses of all sizes. The case concerns the constitutionality of a section of the Los Angeles Municipal Code that requires hotel operators to record and keep specific information about their guests on the premises for a 90-day period and to make those records available to "any officer of the Los Angeles Police Department for inspection" on demand. In a 5-4 opinion on June 22, 2015, the Court held that the section is facially unconstitutional because it fails to provide the operators with an opportunity for pre-compliance review.

Ms. Harrison also has an active commercial litigation and arbitration practice, with a specialty in matters involving the hospitality industry and recording industry. Representative matters include:

- *Cityfront Hotel Associates Limited Partnership et al. v. Starwood Hotels & Resorts Worldwide Inc., et al.*: Ms. Harrison defended the \$13.6 billion merger between Marriott International and Starwood Hotels & Resorts against challenge by two hotel owners who alleged the deal violated non-compete provisions in hotel management agreements. After the owner sought a preliminary injunction, Jenner & Block persuaded the New York Supreme Court to deny the injunction bid and allow the merger to conclude. The merger completed in September 2016.
- *M Waikiki LLC v. Marriott Hotel Services, Inc.*: Ms. Harrison represented Marriott in litigation over The Waikiki EDITION hotel in Hawaii. The owner of the hotel filed suit in New York state court alleging that Marriott defaulted on its obligations to manage the hotel and develop a chain of EDITION-brand hotels. The complaint sought monetary damages and a declaration that the owner could terminate the management agreement for default. Several months after filing suit, the owner forcibly evicted Marriott from the hotel in a midnight raid. Within days, Marriott obtained a TRO returning Marriott to possession of the property – the first of its kind issued in a US court. In response, the owner filed for bankruptcy in Hawaii in order to stay the enforcement of the TRO. The owner claimed the right to reject the management agreement under bankruptcy law, and Marriott filed a claim for breach of the contract. After a four-day hearing in bankruptcy court, the court estimated Marriott's claim at \$21 million, and the case settled shortly thereafter.
- *RC/PB Inc. v. The Ritz-Carlton Hotel Company LLC et al.*: Ms. Harrison represented Ritz-Carlton and Marriott in litigation brought by owner in Florida state court. The owner's complaint alleged breach of the hotel management agreement, breach of fiduciary duties, and fraud and misrepresentation and sought \$100 million in damages. The Jenner & Block team successfully obtained summary judgment on the owner's tort claims, including its claims for breach of fiduciary duties, fraud, and misrepresentation. Jenner also filed a counterclaim against the owner for breach of the hotel management agreement. The case settled in January 2015.
- *Schittino v. Marriott International, Inc.*: Ms. Harrison represented Marriott in a putative consumer class action concerning the sale of Kobe beef products at Marriott hotels throughout the United States. The putative class alleged claims including breach of contract, fraud and violation of Illinois' consumer fraud statute. Ms. Harrison successfully won dismissal with prejudice in 2017.

- *Schlessinger v. Marriott International, Inc.*: Ms. Harrison successfully defended Marriott in a breach-of-contract action concerning the terms of the Marriott rewards program. After Ms. Harrison won a sanctions motion against the Plaintiff, the lawsuit was voluntarily dismissed with prejudice in 2015.
- *Litigation and arbitration involving The Ritz-Carlton Rose Hall, Jamaica*. Ms. Harrison represented Ritz-Carlton in litigation brought by a hotel owner. The Firm prevailed both in the international arbitration and in court, preserving Ritz-Carlton's long-term hotel managing agreement and obtaining an award requiring the owner to pay Ritz-Carlton millions of dollars in attorneys' fees.
- *Rate-setting litigation on behalf of the recording industry*. Ms. Harrison has represented the recording industry in landmark rate-making proceedings to set royalty rates for the reproduction and distribution of musical compositions under Section 115 of the Copyright Act (Mechanicals) and to set royalty rates for satellite digital audio radio service (SDARS). Ms. Harrison has extensive experience litigating before the Copyright Royalty Board, the administrative judges appointed by the Library of Congress to adjudicate rate-setting proceedings pursuant to the Copyright Royalty and Distribution Reform Act of 2004.

## Awards

- Albert E. Jenner, Jr. Pro Bono Award - 2008
- American Bar Association  
Rosner & Rosner Young Lawyers Professionalism Award - 2010
- The BTI Consulting Group's 2013 "Client Service All-Star List"
- *Chambers USA*  
Leisure & Hospitality (Nationwide) - 2015-2016, 2022
- Cross-Examination Debate Association Alumnus of the Year - 2009
- *Law360*  
"Rising Star," Hospitality - 2014
- *Legal 500*  
Appellate: Courts of Appeal | Supreme Courts (States and Federal) - 2021
- *National Law Journal*  
DC "Rising Star" - 2014  
"Immigration Trailblazer" - 2018
- National LGBT Bar Association  
Best LGBT Lawyers Under 40 - 2012

## Community

- National Association for Urban Debate Leagues  
Young Professionals Leadership Board, 2009-2011
- Point Foundation  
Mentor

## Service To The Bar

- American Bar Association  
Young Lawyers Division, Delegate
- Bar Association of the District of Columbia  
Delegate to the ABA Young Lawyers Division
- Women's Bar Association of the District of Columbia  
Amicus Committee, Chair
- Edward Coke Appellate Inn of Court, Secretary

## Industry

- *Law360* Editorial Board - Hospitality, 2017

## Publications

- Co-Author, Client Alert: Supreme Court Limits Article III Standing for Class Action Plaintiffs: Implications for Data Breach Class Actions, July 8, 2021
- Co-Author, Client Alert: Colleges and Universities: What to Know When You Accept and Distribute CARES Act Emergency COVID-19 Funds, April 14, 2020
- Co-Author, Client Alert: Litigation Strategies For Colleges and Universities Sued Over COVID-19 Campus Closures, April 8, 2020
- "My Supreme Court Debut: A 1st Time for Everything," *Law360*, September 19, 2017
- "Early Termination of Hotel Management Contracts Is Costly," *Law360*, February 19, 2015
- Hospitality and Gaming Legal Review 2015, February 5, 2015
- Staying the Course: FTC to Mediate with Wyndham on Data Security Practices, November 18, 2014
- Client Alert: All Is Fair For The FTC: Court Upholds FTC's Authority To Bring Claims For Unfair Data Security Practices, April 8, 2014
- Hospitality and Gaming Legal Review 2013, February 25, 2014
- "Major Victory for Hospitality Cos. in Antitrust Suit," *Law360*, February 21, 2014
- "Save Mentally Retarded Inmate From Execution," *USA Today*, July 16, 2013
- "10 Things To Watch for at the Supreme Court," *Law360*, January 18, 2013
- "The Story of *Wanrow*: The 'Reasonable Man' and the Law of Self-Defense," *Criminal Law Stories* (co-authored with Prof. Donna Coker), December 1, 2012
- "Appellate Discretion and Sentencing After *Booker*," 62 *U. Miami Law Review*, July 2008
- "The Problem with Posner as Art Critic: *Linnemeir v. Board of Trustees of Purdue University Fort Wayne*," *Harvard Civil Rights-Civil Liberties Law Review*, Vol. 37, No. 1., 2002., January 1, 2002

## Speaking Engagements

- Partner Lindsay Harrison to Moderate AAAL Panel, November 07, 2022
- Can I Get a Witness? The Ins and Outs of Expert Testimony, 2022 ISHC Annual Conference, September 15, 2022 to September 17, 2022
- "Introduction to Supreme Court Practice," 2022 Supreme Court Summer Institute for Teachers, June 09, 2022
- "A Winter's Tale of Marital Woe: Who's to Blame?" Shakespeare Theatre Company, March 09, 2021
- Panelist, "Trends in Diversity and Inclusion," CHIPS Global Summit, November 05, 2020
- Panelist, Legal Summit Series: Supreme Court Year in Review," Maryland State Bar Association, July 27, 2020
- Moderator, "Conspiracy Theories: How Antitrust Affects Your Day-to-Day," 8th Annual Hotel and Lodging Legal Summit, Georgetown University Law Center, October 25, 2019
- Panelist, "Women Leaders in BigLaw," Harvard Law School's Celebration 65, September 15, 2018
- "How Will Judge Kavanaugh's Nomination Affect The Supreme Court, What Is His Judicial Record, and What Can We Expect In The Future?" LGBT Bar Association, July 13, 2018
- Panelist, Food and Beverage Litigation Conference: A Look at Hospitality, Liquor and Food Liability, October 25, 2017
- "2013 Supreme Court Term in Review," Jenner & Block CLE, June 30, 2014
- "Make It Rain: Presenting Effective Business Pitches," Asian Pacific American Bar Association D.C.'s Women's Forum and In-House Committee, May 22, 2014
- "Charting Your Own Career: Succeeding as a Young Attorney in Washington, D.C.," DC Bar, February 18, 2014
- "Legal Argumentation and Debate," Harvard Debate Council Summer Workshop, July 05, 2013
- Panelist, "Law Firm Practice: Appellate Litigation," Harvard Law School Office of Career Services, Cambridge, MA, October 19, 2010
- "The Supreme Court of the United States: A Young Lawyer's Perspective and the Year in Review," The Young Lawyers Section of the Bar Association of DC, Washington, DC, April 14, 2010
- "Avenues to Advancement," Ms. JD's Third Annual Conference on Women in the Law, Chicago, IL, November 21, 2009
- "Masterclass: Art of Mingling," Harvard Law School, Cambridge, MA, April 11, 2007