

MATTHEW S. HELLMAN, Partner

Matthew S. Hellman is co-chair of the firm's Appellate and Supreme Court Practice. He has been lead counsel in dozens of appellate matters and has presented arguments in the US Supreme Court and in federal and state appellate courts around the country. He has successfully defended on appeal more than \$1 billion in commercial claims, and he has prevailed in the Supreme Court in important bankruptcy, copyright, First Amendment and administrative law cases. Clients such as Marriott, GE, Nomura and General Dynamics have sought his counsel on a wide variety of banking, hospitality, government contracts, copyright and business torts matters.

Mr. Hellman maintains a substantial pro bono practice, including matters with significant commercial implications, such as his win in the US Supreme Court in *Law v. Siegel*, which was called the most important bankruptcy case of that term. He has argued or supervised more than a dozen pro bono cases in the courts of appeals, including two capital cases. In 2007, Jenner & Block recognized Mr. Hellman with the Albert E. Jenner, Jr. Pro Bono Award, which annually recognizes lawyers in the firm with a strong commitment to pro bono or public service work.

In 2016, Mr. Hellman was named co-director of the Jenner & Block University of Chicago Law School Supreme Court and Appellate Clinic, a testament to his experience as well as his ability to teach the next generation of appellate advocates. He is also a member of the Edward Coke Appellate Inn of Court and on the Board of Directors of the Washington Lawyers' Committee for Civil Rights and Urban Affairs. He serves as co-chair of the DC Hiring and Hiring Executive Committees and is also a member of the Associate Development and Evaluation Committee and the Finance Committee.

Representative matters of Mr. Hellman's include:

- *John Wiley & Sons v. Kirtsaeng* - decided June 16, 2016. Obtained 9-0 favorable ruling in Supreme Court on copyright lawyer fees issue.
- *WMC RMBS Litigation* - Mr. Hellman has presented argument on behalf WMC Mortgage, LLC, a bank owned by GE Capital, in numerous federal and state courts in a series of cases involving in mortgage-backed securities. Among other representations, Mr. Hellman has argued appeals involving over a \$1 billion in claims in both the Second Circuit and New York appellate courts.
- *Law v. Siegel* - Mr. Hellman argued successfully in the Supreme Court in a case involving an important and unresolved question in bankruptcy law as to whether a bankruptcy court has the equitable authority to take away a debtor's homestead exemption that the Bankruptcy Code otherwise grants.
- *Miller Global v. Marriott* - Mr. Hellman argued on behalf of Marriott in Texas state court, successfully obtained summary judgment in Marriott's favor on a \$50 million claim of professional negligence and then defended that ruling in the Texas appellate courts.



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PRACTICE GROUPS

Appellate and Supreme Court Practice
Aviation and Aerospace
Financial Services Litigation
Litigation
Professional Responsibility

INDUSTRY GROUPS

Hospitality
Life Sciences

EDUCATION

Harvard Law School, JD, 2002; *magna cum laude*; President, *Harvard Law Review* (Vol. 115)

Swarthmore College, BA, 1998; Highest Honors; Phi Beta Kappa

ADMISSIONS

District of Columbia, 2003

JUDICIAL CLERKSHIPS

Hon. Michael Boudin, US Court of Appeals, First Circuit, 2002 - 2003

Justice David H. Souter, US Supreme Court, 2004 - 2005

- *American Bridge v. Marriott* - Mr. Hellman undertook an appellate representation of Marriott in the Florida appellate courts after a \$16 million judgment, including punitive damages, had been entered against Marriott. On appeal, that judgment was reversed in its entirety and judgment was entered in Marriott's favor.
- *Intercollegiate Broadcasting System v. Copyright Royalty Board* - Mr. Hellman successfully argued against an Appointments Clause challenge to the Copyright Royalty Board on behalf of SoundExchange, Inc., in a series of representations to enforce the copyrights of artists and music labels.
- *NCUA v. Nomura* - Mr. Hellman argued on behalf of Nomura in the Ninth Circuit in a case addressing the statute of limitations for claims under the 1933 Securities Act.
- *Entertainment Software Association v. Schwarzenegger* - Mr. Hellman was the primary author in briefing the firm's landmark Supreme Court First Amendment victory on behalf of the video game industry. By a 7-2 vote, the Court struck down a California law banning the sale of video games deemed to be excessively violent by the state.
- *General Dynamics v. United States* - Mr. Hellman was an important member of the team that achieved a 9-0 Supreme Court victory for General Dynamics in a multi-billion dollar government contracting dispute against the United States concerning the design and construction of stealth aircraft.
- *Bridge v. Phoenix Bond* - Mr. Hellman was a core member of the firm's team that achieved a 9-0 victory in the Supreme Court for a corporate client in a civil RICO case dealing with issues of proximate causation. Mr. Hellman also obtained a favorable unanimous panel decision from the Seventh Circuit on remand in this matter.
- *Hui v. Castaneda* - Mr. Hellman secured a 9-0 victory before the Supreme Court for the firm's client, a federal health officer, in an important case concerning the scope of the Federal Tort Claims Act and the immunity accorded to federal employees.
- *Selk v. ResCare* - Mr. Hellman argued on behalf of a residential care company in a pending major tort case in the New Mexico Court of Appeals. The appeal stemmed from the firm's successful post-trial representation in which we reduced a \$50 million punitive damage award to \$10 million.
- *Viacom v. Google* - Mr. Hellman was a member of the team that presented oral argument to the Second Circuit in a pending major copyright dispute concerning liability under the Digital Millennium Copyright Act (DMCA).
- *Sorrell v. IMS Health Inc* - Mr. Hellman was the primary author of a successful Supreme Court amicus brief on behalf of the US Chamber of Commerce in a major commercial speech case.
- *Douglas v. California Pharmacists Association*. Mr. Hellman was counsel of record for a successful Supreme Court amicus brief on behalf of the Democratic congressional leadership in an important Medicaid case concerning the right to obtain injunctive relief against unlawful state action.
- *Deere v. Bush Hog* - Mr. Hellman is representing a manufacturer of farm equipment in the Federal Circuit in defense of a successful patent judgment of non-infringement.
- *U.S. ex rel Feingold v. Palmetto* - Mr. Hellman helped secure the dismissal of a *qui tam* action against a health insurer in the Eleventh Circuit and drafted a successful opposition brief to the relator's petition for *certiorari*.
- *NCTA v. FCC* - Mr. Hellman was a primary author of briefs in the DC Circuit on behalf of the National Cable and Telecommunications Association, challenging an FCC rule governing cable access to apartment buildings.
- *SoundExchange v. Librarian of Congress* - Mr. Hellman was a lead architect of a challenge to a determination by the Copyright Royalty Board in the DC Circuit concerning the royalties paid by satellite radio companies to record labels and artists for the use of their music.

- *Washington University v. Catalona* - Mr. Hellman represented a group of prostate cancer research participants in the Eighth Circuit who sought to enforce the terms of their consent agreement against a research university.
- *Prometheus Radio Project v. FCC* - Mr. Hellman developed and briefed arguments on behalf of the National Association of Broadcasters, challenging media ownership rules in the Third Circuit.
- *Norton v. Southern Utah Wilderness Alliance*. Mr. Hellman was a principal author of the firm's Supreme Court brief for respondent Southern Utah Wilderness Alliance, concerning the availability of review under the Administrative Procedure Act when a federal agency fails to protect public lands as mandated by Congress.

Mr. Hellman has also done substantial work at the trial court level on behalf of such clients as Viacom (copyright litigation); Marriott (commercial litigation); General Dynamics (administrative law); General Electric (consumer litigation); and Embarq (electronic privacy). He has assisted in the preparation of expert reports, taken and defended depositions, and has conducted direct and cross-examinations of both lay and expert witnesses.

Awards

- Albert E. Jenner, Jr. Pro Bono Award - 2007
- *Law360*
"Rising Legal Stars" - 2010
- *Legal 500*
Dispute Resolution - Appellate - Supreme Courts (States and Federal) - 2017, 2020, 2021
- Seventh Circuit Bar Association
Pro Bono and Public Service Award, 2014

Publications

- Co-Author, Client Alert: Affirmative Action up for Judgment? US Supreme Court Grants Cases Seeking to Prohibit Consideration of Race in College Admissions, January 25, 2022
- Hospitality and Gaming Legal Review 2015, February 5, 2015
- "Courtside," *Communications Lawyer*, Volume 28, Number 2, August 2011
- Client Advisory: Global-Tech Appliances, Inc. v. SEB S.A., June 6, 2011
- "Courtside," *Communications Lawyer*, Vol. 27, No. 2, July 2010
- "Courtside," *Communications Lawyer*, Vol. 24, No. 3, Fall 2006
- "Attack on Violent Video Games," *Communications Lawyer*, Vol. 24, No. 1, Spring 2006
- "Mr. Smith Goes to Federal Court," 115 *Harvard Law Review* 2272, 2002
- "Federal Preemption of State Law -- ERISA -- Fifth Circuit Upholds State Statute Allowing HMOs to be Sued for Doctors' Negligence," 114 *Harvard Law Review* 1406, 2001

Speaking Engagements

- "The Supreme Court: A Preview of the New Term," Smithsonian Associates, September 11, 2018
- Firm's Chicago Office Hosts US Supreme Court 2017 Term in Review Program, June 27, 2018
- "The Supreme Court: A Preview of the New Term," Smithsonian Associates, September 19, 2017
- "Trumping Justice? Trends in American Appellate Law," Netherlands Supreme Court, November 11, 2016
- "The Software Innovation and Protection Dilemma—Guidance Please! Copyrights and Patents," 2016 American Intellectual Property Law Annual Meeting, October 28, 2016
- Panelist, "Intellectual Property in the Supreme Court," The Federalist Society for Law & Public Policy Studies, April 08, 2016
- "The Biggest Patent Cases of 2015-2016: Looking Back, Looking Ahead," Jenner & Block, September 17, 2015
- "The Biggest Patent Cases Of 2014-2015: Looking Back, Looking Ahead," Jenner & Block, September 10, 2014
- "2013 Supreme Court Term in Review," Jenner & Block CLE, June 30, 2014
- "2012 Supreme Court Term in Review," Jenner & Block CLE, June 28, 2013
- Panelist, The Edward Coke Appellate Inn of Court, Washington, D.C., June 16, 2009