

## ZACHARY C. SCHAUF, Partner

*Zachary C. Schauf is a litigator in the firm's Energy and Appellate and Supreme Court practices who helps clients resolve their most difficult legal problems, particularly in highly regulated industries and in complex commercial disputes. He has been the primary author of winning appellate briefs and critical motions in courts nationwide, from the United States Supreme Court and federal appellate courts, to state trial courts, to administrative agencies. An experienced oral advocate, Mr. Schauf has prevailed in every appeal and dispositive motion that he has argued.*

Mr. Schauf has particular experience in the energy sector. When Exelon agreed to a \$6.8 billion merger with Pepco Holdings, Mr. Schauf defeated attempts to block the merger and successfully defended the merger's approval on appeal. In Illinois, New York, and the District of Columbia, Mr. Schauf has defended innovative clean energy programs and infrastructure initiatives against constitutional challenges. Energy clients also turn to Mr. Schauf to represent them in complex multi-forum disputes—when high-stakes matters dictate litigating simultaneously before the Federal Energy Regulatory Commission, state administrative agencies, and state and federal courts.

Clients in other highly regulated industries also rely on Mr. Schauf's advocacy. In financial services, Mr. Schauf was the primary author of winning Supreme Court briefs in *Kokesh v. SEC*, which dramatically limited the SEC's power to pursue stale claims. In the communications sector, Mr. Schauf has advised clients facing aggressive FCC enforcement actions on potential statutory and constitutional challenges. And in the Indian law realm, Mr. Schauf has represented Indian tribes before the Department of Interior, before state and federal trial and appellate courts, and before the U.S. Supreme Court, on issues including sovereign immunity, federal preemption, tribal leadership, gaming rights, and reservation status. Because of his expertise, Mr. Schauf was an invited speaker at the Federal Bar Association's Indian Law conference.

In complex commercial cases, Mr. Schauf has erased billions of dollars in potential liability for clients in the financial services, hospitality, and automotive industries. Mr. Schauf has litigated a slew of mortgage-backed securities cases, securing dismissal of a breach-of-contract lawsuit seeking \$500 million in damages and eliminating hundreds of millions of dollars in potential liability on the eve of trial with a successful *Daubert* motion, among other victories. Mr. Schauf has also obtained the reversal on appeal of multiple adverse jury verdicts, and prevailed against consumer class actions via motions to dismiss, oppositions to class certification, summary judgment motions, and on appeal.

Mr. Schauf maintains an active pro bono practice. He has helped a father obtain discretionary relief from removal to Haiti, secured the release from prison of a criminal defendant whose sentence was unlawful, and prevailed on behalf of a Wisconsin resident who was subject to a stop-and-frisk that violated the Fourth Amendment. In the Supreme Court, Mr. Schauf has represented Arizona's independent redistricting commission, a capital defendant challenging his death sentence, and individuals facing abusive government forfeitures, among others. In Mr. Schauf's *amicus* practice, he has advocated on behalf of



## ZACHARY C. SCHAUF Partner

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### PRACTICE GROUPS

Appellate and Supreme Court Practice  
Energy  
Government Controversies and Public Policy  
Litigation  
Indian Law  
Litigation

### INDUSTRY GROUPS

Hospitality and Gaming

### EDUCATION

Harvard Law School, J.D., 2011; *summa cum laude*; Fay Diploma; Winning team and best brief, Ames Moot Court Competition.; President, *Harvard Law Review*

University of Oxford, M.Phil., 2006

Stanford University, BAS, 2004; *cum laude* and with distinction

### ADMISSIONS

District of Columbia, 2014

### JUDICIAL CLERKSHIP

Hon. Elena Kagan, U.S. Supreme Court  
2012 - 2013 (Clerkship)

Hon. Merrick B. Garland, U.S. Court of Appeals, District of Columbia Circuit 2011 - 2012 (Clerkship)

the European Commission, immigrants seeking discretionary relief from removal, and children sentenced to life in prison.

Mr. Schauf received his J.D., summa cum laude, from Harvard Law School, where he graduated first in his class, served as President of the Harvard Law Review, and was a member of the winning team of the Ames Moot Court competition.

Mr. Schauf clerked for Chief Judge Merrick B. Garland of the United States Court of Appeals for the D.C. Circuit and Justice Elena Kagan of the United States Supreme Court.

Mr. Schauf serves as an Adviser to the American Law Institute's Restatement (Fourth) of Property.

## **Publications**

- Client Alert: US Supreme Court Narrows Venue for Patent Infringement, Limiting Plaintiffs' Ability to Sue Outside Defendants' State of Incorporation, May 24, 2017
- "Recent Case, *Williams v. Jones*," 123 *Harvard Law Review*, 1795, 2010

## **Speaking Engagements**

- Associates Zachary Schauf and Leonard Powell to Discuss Tribal Nations' Rights, April 05, 2018