

Rising Star: Jenner & Block's Adam Unikowsky

Law360, Grand Rapids (July 24, 2017, 4:38 PM EDT) -- Jenner & Block LLP's Adam Unikowsky has argued four cases before the U.S. Supreme Court during his relatively short legal career, including snagging a victory this spring in a high-profile case over U.S. Securities and Exchange Commission disgorgement, earning the litigator a spot among the four appellate attorneys under 40 being honored by Law360 as Rising Stars.

WHAT DREW HIM TO APPELLATE LAW:

Unikowsky says he enjoys the fact that, as an appellate attorney, every case he takes up is a little bit different, which offers him a wider berth of the types of cases he handles.

"You really have to wrestle pretty deeply with ideas and try to figure out the best possible way of framing an argument, which requires some deep thinking," he said.

Interacting with the Supreme Court justices is another perk, he added.

"When arguing a case it's like having a conversation with them — you're trying to persuade them that you're right, but it's not adversarial, you're trying to help them understand the case. There's a lot of adrenaline when up you're there; finding the balance between assuaging the justices' concerns and being an advocate is certainly a challenge," he said.

ON KOKESH V. SEC:

On April 18, Unikowsky argued before the Supreme Court against the SEC in *Kokesh v. SEC*, a case considering whether the five-year statute of limitations in a general federal provision governing penalties and forfeitures applies to SEC claims seeking disgorgement of illegally

RISING
 ★★★★★
STAR



Adam Unikowsky
Jenner & Block

Age: 36

Home base: Washington, D.C.

Position: Partner

Law school: Harvard Law School

First job after law school: Law clerk for Judge Douglas Ginsburg of the D.C. Circuit

obtained profits. The court unanimously found that the five-year limit does apply, dramatically reducing the nearly \$35 million disgorgement ordered against Unikowsky's client, New Mexico investment adviser Charles R. Kokesh.

"That was a challenging case," Unikowsky said. "There was a mix of historical issues and practical issues, obviously there is a lot of practical concern for the business community on an issue like this. The challenge was applying old law with old doctrine to a new type of remedy. There's really no substitute for doing a lot of research and thinking about it, taking the research and taking what you've learned where it leads you to prepare the best argument."

HIS ADVICE FOR YOUNG ATTORNEYS:

"I'd say that No. 1, you should really love what you do and you should become passionate about what you're involved in and learn as much as you possibly can about the area of law you practice," Unikowsky said. "Also, try to get chances to get up in court — there's no substitute for going to court and getting up in front of a judge."

WHAT HE LEARNED FROM A BIG DEFEAT:

Unikowsky said that early on in his career as an associate he spent a couple of years working on a trial that didn't end up panning out the way his team had hoped.

"It was extremely disappointing," he said. "One thing I've learned is that you need to introspect and figure out how to get a better result. And you shouldn't blame the judge — it's easy to say the judge made a mistake. That's a bad attitude to have."

PROUDEST MOMENT AS AN ATTORNEY:

Unikowsky says he was "very excited" when he had his first argument before the Supreme Court last year in *Commonwealth of Puerto Rico v. Luis M. Sanchez Valle et al.* The court agreed with his argument that Puerto Rico and the United States may not each prosecute an individual for the same crime, because, for purposes of double jeopardy, Puerto Rico is not a separate sovereign.

"It took a lot of work and research, but it's rewarding. You feel good when you win. It makes me want to continue doing it and continue doing more cases," he said.

— *As told to Aebra Coe*

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2017 Rising Stars winners after reviewing more than 1,200 submissions. This interview has been edited and condensed.