

APPELLATE HOT LIST

| A SPECIAL REPORT

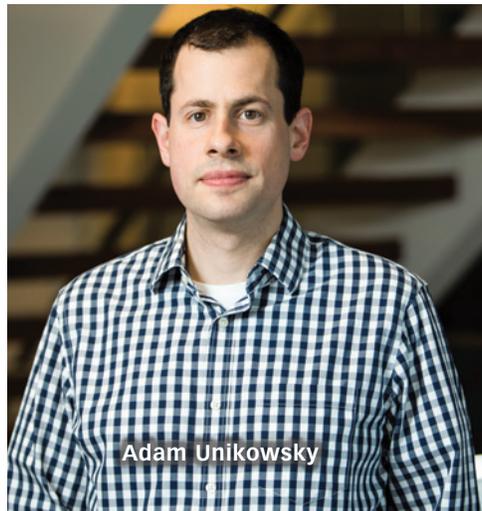
Our 2017 special report features an elite group of lawyers and law firms that posted hard-fought wins at the U.S. Supreme Court or in federal circuit courts. How do they do it? Luckily, these appellate aces offer great advice: listen to colleagues, answer the question, read good writing and, in oral argument, position yourself like a jazz musician—always be ready to improvise. Presenting this year's honorees in their own words, edited for clarity and length.

—Lisa Helem

Jenner & Block

■ **TELL US ABOUT YOUR TOP U.S. SUPREME COURT OR FEDERAL CIRCUIT COURT VICTORY OVER THE PAST YEAR AND HOW YOU AND YOUR TEAM ACHIEVED THE WIN.** *Kokesb v. SEC.* The U.S. Supreme Court held that disgorgement was subject to a five-year statute of limitations because it is a “penalty”—an argument that had never previously succeeded in any lower court.

We achieved this victory by advancing several novel arguments. For instance, we argued that disgorgement was a penalty because it was noncompensatory, that the government’s broad positions in other recent disgorgement cases reinforced disgorgement’s



Adam Unikowsky

punitive nature and that hybrid remedies with both punitive and nonpunitive elements should be treated as punitive for statute of limitations purposes.

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

Perfectionism, teamwork and a willingness to take bold positions that other courts had previously rejected. We have an enormously talented team across all offices.

A hallmark of our practice has been our ability to dig in, working hand-in-hand with our clients, and willingness to take bold positions.

■ **WHAT PRACTICE ADVICE WOULD YOU GIVE YOUR YOUNGER SELF?**

1. If possible, make your brief shorter.
2. It is always necessary to be scrupulously accurate—otherwise you will lose all credibility with the court.

Responses submitted by Adam Unikowsky, a partner at Jenner & Block.