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Online Feature

Advocacy Tips from Jenner Partner Who Notched 8th Win

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The Supreme Court handed down three decisions on Tuesday, and the justices might issue some more today. In the world of the Supreme Court bar, one of Tuesday's cases drew special attention because it was the eighth win in a row for Jenner & Block partner Adam Unikowsky. Read his observations about his first Supreme Court argument in 2016, and others since then. Also, we preview today's only argument, Flowers v. Mississippi, and how a podcast has become a part of the case. Thanks for reading, and contact us anytime at tmauro@alm.com and mcyole@alm.com.

Adam Unikowsky's SCOTUS Winning Streak

Jenner & Block partner **Adam Unikowsky** has done it again. The Supreme Court on Tuesday handed him a win in Washington State Department of Licensing v. Cougar Den Inc. That marks the eighth Supreme Court victory for Unikowsky, who only began arguing cases at the high court three years ago.

It was a splintered decision, but a win in an Indian tax case for Unikowsky's client, a fuel company owned by a member of the Yakama Nation in Washington State. Asked how he felt about his eighth win, he replied, "I'll just say this: I'm very pleased by the Supreme Court's decision and believe that its interpretation of the 1855 [Yakama] treaty is correct."

Unikowsky (at left) burst onto the scene in 2016 with a run of winning arguments, beginning with Puerto Rico v. Valle, a double jeopardy case. He has won all of his seven argued cases, as well as another case that was a summary reversal.

How did he do it? In a recent article in The Journal of Appellate Practice and Process, Unikowsky reminisced about his first argument, and he also offered observations about oral advocacy:

"I prepared obsessively for the oral argument, doing three moot courts and spending most of my waking hours figuring out how I would respond to off-the-wall questions. The oral argument itself was a blur."

"As in many a Supreme Court argument, my experience consisted of listening nervously to often lengthy questions that I wasn't sure I understood; stammering out a few words in response; and then being interrupted with another lengthy question."

"In Howell v, Howell, I sat down with something like 13 minutes left, having gotten only a few polite questions from the bench. In Honeycutt v. United States, I don't think I got a single hostile question, and sat down 15 minutes early. My primary regret in both cases was that I droned on too long in rebuttal."

"I have always found it unseemly for lawyers to take too much credit for Supreme Court wins. Supreme Court litigation is not a moot court competition. The Supreme Court rules for the better case, not the better lawyer."

"Of course having a good lawyer helps convince the court about the strength of a case, but the Justices do try their best to look past the quality of the lawyering and get to the right answer."

"I definitely didn't win the cases because of my oral arguments. My clients won the cases because, on the law, they deserved to win. I just went along for the ride, but it was a great ride."

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