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TRAILBLAZERS

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PIONEER SPIRIT Few would be surprised to learn that an appellate practice had been launched at a commercial litigation boutique, founded by a former federal judge and a couple of his former white-shoe-firm partners. But you might be impressed to learn how quickly Holwell Shuster & Goldberg put together its all-star team, which is garnering trailblazing successes in state and federal courts.

Just two years after its 2012 founding, the firm snagged Daniel Sullivan, former clerk to both Justice Antonin Scalia and Judge Diarmuid F. O’Scannlain of the United States Court of Appeals for the Ninth Circuit. The next year the firm recruited Vincent Levy, a former clerk for U.S. Supreme Court Justice Ruth Bader Ginsberg. And the following year, they brought on James McGuire, a former state trial and appellate judge as well as former counsel to New York Governor George Pataki.

Three years later the trio has proven to be a formidable team, obtaining major ruling — and praise — in landmark cases.

TRAILS BLAZED The group’s victories include matters as diverse as patent, insurance, white-collar and election laws. One of the most satisfying recent victories involved reversal and vacating of a \$250 million judgment in an insurance case. New York’s First Department, in a case of first impression, agreed with the team’s novel argument that, under the U.S. Supreme Court’s *Kokesh v. SEC* decision, SEC disgorgement payments are uninsured penalties.

In another high-profile case, Sullivan fended off ballot eligibility challenges against Sen. Ted Cruz (R-Texas) in his 2016 Republican presidential primary bid. Because Cruz was born in Canada, challengers asserted he was not eligible to run for president. Ultimately, the cases were dismissed on procedural grounds in conjunction with New York election law.

FUTURE EXPLORATIONS “Insurance can be a very esoteric area of the law,” Sullivan said. “Our victory in that insurance case ... will lead to more appellate work in this complicated area.”

“Success breeds success,” McGuire said “We will see more white-collar appellate work coming down the pike as our successes mount up, and more appeals in New York cases, large commercial and other complicated verdicts.”

The firm maintains a bi-partisan reputation. They have represented groups from as far right as Americans for Prosperity and as far left as the Southern Poverty Law Center.

“We will see what 2020 brings,” Sullivan said.