

Small NY Firm Corrals Big Bipartisan Crowd for SCOTUS Case

How did five-year-old Manhattan litigation boutique Holwell Shuster & Goldberg gather 65 former lawmakers to back its gerrymandering arguments at the U.S. Supreme Court?

By Miriam Rozen

September 8, 2017

In a significant gerrymandering case scheduled to be heard by the U.S. Supreme Court on Oct. 3, New York City's Holwell Shuster & Goldberg represents pro bono 65 former and current state lawmakers from eight states—a roster that includes 26 Republicans and 39 Democrats—who filed a friend of the court brief this week backing the challengers of a Wisconsin redistricting plan.

Holwell Shuster's client list didn't, however, start out as robust and diverse as it is now, concedes Vincent Levy, the attorney of record on the brief and a partner who previously clerked for U.S. Supreme Court Justice Ruth Bader Ginsburg.

"We were going to write only a brief for Wisconsin legislators, but we were concerned that it would look like a losers' brief," Levy said.

So Levy and his team encouraged the Wisconsinites who were supportive of the challenge, as well as nonprofit advocacy groups, to reach out to former and current state lawmakers from other states and both parties. The lawyer could do so confident that pro bono matters are generally exempt from restrictive client solicitation rules.

Eventually, the Holwell Shuster team circulated a draft of the brief to former and current state lawmakers, attracting double the number of amici for the brief.

In the case, the high court will consider if plaintiffs had standing to challenge a Wisconsin redistricting plan as unconstitutionally partisan gerrymandering.

Political gerrymandering has "sounded the death knell of bipartisanship," the Holwell Shuster brief asserts, adding that the problem has gotten worse as data and tools for analyzing data have improved.

"The information age has supercharged partisan gerrymandering. For a long time, the practice was ad hoc and largely ineffective, generating minor effects that were unlikely to persist across election cycles. Today, powerful software and detailed, block-by-block voter data enable redistricting plans that give one party



Vincent Levy of Holwell Shuster & Goldberg in New York. (Diego M. Radzinski/NLJ)

huge partisan advantages that survive shifts in voter preferences and demographics," the brief argues.

Holwell Shuster was founded in 2012 by former Manhattan U.S. District Judge Richard Holwell and former colleagues from his earlier private practice at White & Case, including Michael Shuster, Daniel Goldberg and Dorit Ungar Black. (Shuster, Goldberg and Black were most recently at Kasowitz Benson Torres.) The litigation boutique, best known for handling financial crisis-related litigation, recently expanded its midtown offices.

In the gerrymandering case, the Wisconsin Attorney General's Office argues in its brief that the challengers have offered "no new, historical-based redistricting principles and no new administrable test."

"They have, instead, recycled arguments that this court has already rejected, while attacking a plan that complies with traditional redistricting principles and is strikingly similar to the immediately prior, court-drawn plan," the AG's brief states.