

A SPECIAL REPORT

APPELLATE HOT LIST

We are proud to present the 2020 Appellate Hot List honorees. These firms tackled novel issues and undoubtedly faced unprecedented challenges over the past year, boasting high-profile and high-stakes wins in the nation's highest appellate courts across a number of practice areas—from Constitutional rights to immigration law to pharmaceutical and intellectual property disputes. Here, these winning firm leaders share their appellate successes, insights and lessons learned along the way. —Sarah Tincher, managing editor

ORRICK HERRINGTON & SUTCLIFFE

■ **TELL US ABOUT YOUR TOP U.S. SUPREME COURT OR FEDERAL APPEALS COURT VICTORY OVER THE PAST YEAR AND HOW YOU AND YOUR TEAM ACHIEVED THE WIN.** In *[Idenix v. Gilead]*, we saved Gilead's miracle drug that cured Hepatitis C in countless patients—and knocked down the biggest patent verdict of all time. This classic patent fight involved competing stories about a key scientific breakthrough. A jury initially awarded the other side \$2.5 billion, with the potential for billions more. After trial, we worked with the trial team to persuade the judge that Idenix's patent was invalid—then on appeal, persuaded the U.S. Court of Appeals for the Federal Circuit to invalidate their patent for a second reason too. Vindicating Gilead's decision to fight the good fight, even in the face of huge risk, was immensely rewarding.

■ **WHAT WAS YOUR FIRM'S KEY TO APPELLATE SUCCESS OVER THE PAST YEAR?** A culture where people rejoice in each other's successes. Building a brilliant, diverse team is essential. But a team like that, where people also will do anything to help a colleague succeed—whether by sharing an opportunity, chewing over a strategy, or just rooting them on relentlessly—is incomparable.

■ **WHAT IS THE MOST SATISFYING ELEMENT OF APPELLATE PRACTICE, IN YOUR OPINION?** Winning unwinnable cases. There's nothing like the feeling of telling a client that the strategy you crafted together paid off, even against the odds.

■ **WHAT'S THE MOST VALUABLE LESSON YOU LEARNED AS A YOUNG**



Eric Shumsky

LAWYER? Every time you stand up, treat it like an opportunity. And never, whatever the reason, sacrifice your credibility.

Submitted by Eric Shumsky, a partner at Orrick Herrington & Sutcliffe.

