

Rising Star: WilmerHale's Tom Saunders

Law360, Los Angeles (July 25, 2017, 12:56 PM EDT) -- WilmerHale's Tom Saunders has spent his career building up a strong, successful appellate practice that capped off last year with a unanimous Supreme Court victory over requirements that the U.S. Department of Veterans Affairs give preference to veteran-owned small businesses, earning a spot as one of four appellate practitioners under 40 honored by Law360 as Rising Stars.

WHY HE PICKED APPELLATE LAW:

Saunders specializes in intellectual property appellate cases, but his work has spanned public policy and other regulatory matters. He often appears in the Federal Circuit and at the Supreme Court.

"The issues that you get have just the right combination of being high stakes and very difficult questions," Saunders said.

WHAT KEEPS HIM MOTIVATED:

Saunders enjoys the deep dive of learning a specific area of law or studying highly technical issues in the pursuit of arguing them to a generalist court.

"It's always something new, very often a question of first impression or an unsettled issue and that just gets you up in the morning," he said. "It means your job is always interesting."

PROUDEST MOMENT AS A LAWYER:

June 2016 gave Saunders his biggest win yet when the U.S. Supreme Court came down with an 8-0 decision central to the contract procurement process at the VA for veteran-owned small businesses. The decision favored Saunders' client Kingdomware, who he began representing in their petition of a split Federal Circuit decision. Saunders says the case was particularly memorable for the concrete stakes in these businesses' future, the changes to public policy that



Tom Saunders
WilmerHale

Age: 39
Home base: Washington, D.C.
Position: Partner
Law school: Yale Law School
First job after law school:
Clerked for Judge Pierre Leval of the U.S. Court of Appeals for the Second Circuit

resulted from the decision and his client's path to the high court.

"It was the little guy up against the government, and the government had been winning for 10 years. It was only at the very last stage of the process inside the Supreme Court where we completely flipped the result," he said.

Since the decision, Kingdomware has gotten a VA contract, Saunders said.

ON THE CHALLENGES OF HIS PRACTICE:

Intellectually property law is a moving target these days as the Supreme Court continues to pick up high-stakes patent and IP-related questions, Saunders says.

"In an area of the law that's all about striking the balance between innovation and competition, to be moving the weights on both sides of the scale simultaneously five times a year makes it hard to see how those pieces fit together," he said. "You never know whether the things that have been the case for a long time or your background assumptions are still going to be true tomorrow."

ADVICE TO YOUNGER ATTORNEYS:

Saunders believes that young attorneys have more power than they realize when it comes to shaping their practice early on.

"Don't be afraid to speak up, keep an eye out on developing law and looking for things where you can say 'That's a case I want to work on,' because more often than not, there can be an opportunity there," he said.

He also says it's important to be congenial and remember that law is a team effort.

"There's not a single one of these cases I worked on alone. Every one of these victories is a team victory."

— *As told to Melissa Daniels*

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2017 Rising Stars winners after reviewing more than 1,200 submissions. This interview has been edited and condensed.