
Mark Fleming Named MVP of the Year by *Law360*

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Partner [Mark Fleming](#) has been recognized as an “MVP of the Year” by *Law360* for distinction in Appellate law. The honor caps a whirlwind year for Fleming that saw multiple arguments before the Supreme Court, including a historic victory for client Roche Molecular Systems. Fleming has been named an MVP for his achievements in court as well as his leadership and mentorship within the firm and in the community.

The recognition is the latest in a noteworthy 2011 for Fleming. On June 16, *The National Law Journal* named Mark its “[Appellate Lawyer of the Week](#),” and in October he made the list of “New England Super Lawyers Rising Stars” for the fifth consecutive year. In the 2012 edition of *Benchmark Litigation*, Mark was recognized as a “future star,” an honor reserved for partners who are consistently referenced by peers and clients as litigators who are likely to become “local litigation stars.” Some recent highlights of Fleming’s practice include:

Stanford University v. Roche Molecular Systems (Supreme Court): Fleming argued and won a closely-watched Supreme Court case regarding the effect of the Bayh-Dole Act on patent assignments. In an opinion by Chief Justice Roberts, the Court ruled 7-2 in favor of Roche. This is the first time that the Supreme Court has affirmed the Federal Circuit’s judgment in a patent case when the United States government has urged reversal. A transcript of the oral argument is available [here](#).

Partner [Seth Waxman](#), chair of WilmerHale’s Appellate and Supreme Court Litigation Practice, described Fleming’s work in *Stanford v. Roche*, saying, “That was one of the most important patent cases before the Supreme Court in the past several years. He did a phenomenal job; the brief he filed and the oral argument he made were exquisite.”

Co-Managing Partner [Bill Lee](#) further explained the skill set Fleming possesses that allows him to succeed in such high-profile cases, saying, “What makes him particularly special is his ability to take his personal skills and use them in the main event. He’s got a command of the record that is just unmatched ... He’s a great oral advocate and a great brief writer.”

Judulang v. Holder (Supreme Court): Fleming is counsel of record in a Supreme Court case involving the right of certain lawful permanent residents to seek relief from deportation, an issue that has divided the federal courts of appeals. Fleming argued the case on October 12; it remains under submission.

United States v. Goyal (9th Circuit): Fleming was part of the team representing former McAfee Chief Financial Officer Prabhat Goyal in his appeal from conviction on securities fraud and related charges. In a concurring opinion, Chief Judge Kozinski noted: “Mr. Goyal had the benefit of exceptionally fine advocacy on appeal, so he is spared the punishment for a crime he didn’t commit. But not everyone is so lucky.”

Reflecting on the past year, Fleming maintains that the WilmerHale community plays a pivotal role in his continued success. “I can’t overstate the importance of the support I get from my colleagues at the firm. Sometimes I just can’t believe my good fortune. You couldn’t ask for a better team.”

Outside of court, Fleming has made firm and community involvement a priority. He serves on the WilmerHale Hiring Committee and the Associates Committee, where he advises young lawyers who are beginning their careers. He is also a member of the Boston Bar Association’s Amicus Committee and a member of the Board of Directors of the Boston Youth Symphony Orchestras.

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