



## *Felicia H. Ellsworth*

### **PARTNER**

Partner-in-Charge, Boston Office  
Vice Chair, Litigation/Controversy Department

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### BOSTON

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Vice-chair of WilmerHale's Litigation/Controversy Department and a member of the firm's global Management Committee, Felicia Ellsworth is a first-chair trial lawyer and experienced appellate advocate who is widely recognized for combining her significant trial experience with her recognized appellate skill to represent clients in complex disputes at all stages of litigation. Felicia is known for her successful representation of clients in complex, high-stakes disputes in both state and federal courts, and has extensive experience representing clients in government-facing litigations and investigations, including those brought by state Attorneys General. She has argued in numerous appellate courts, including the Supreme Court of the United States and the Massachusetts Supreme Judicial Court. She is a member of the American Law Institute, and is routinely recognized as a leading trial and appellate and litigator in industry publications, including *The American Lawyer*, *Massachusetts Lawyers Weekly* and *Law360*.

Felicia was among the lead trial and appellate counsel to Harvard University in *Students for Fair Admissions vs. President and Fellows of Harvard College*, the case in which the Supreme Court ultimately overturned decades of affirmative action precedent, where Felicia first secured a victory for Harvard in both the District Court, which earned her the "Litigator of the Week" title in October 2019, and the First Circuit Court of Appeals. Felicia has also represented numerous clients in disputes on a wide range of legal issues with a particular emphasis on complex disputes in the areas of administrative law, commercial law, constitutional law, the First Amendment, intellectual property, and real property.

Felicia has authored several merits briefs and numerous certiorari-stage briefs in cases before the Supreme Court of the United States, and has also authored successful briefs and dispositive motions before federal and state courts of appeals, including the Massachusetts Appeals Court and Supreme Judicial Court and the US Courts of Appeals for the First, Second, Fourth, Fifth, Sixth, Seventh, Ninth, Tenth and Federal Circuits. She has argued before both federal and state appeals courts, including the Supreme Court of the United States; the First, Second, and Sixth Circuits; and the Supreme Judicial Court of Massachusetts.

Felicia has been appointed by the Justices of the Supreme Judicial Court of Massachusetts to the Standing Committee on Pro Bono Legal Services for the Massachusetts Court System and Standing Advisory Committee on the Rules of Civil and Appellate Procedure. She also serves as a member of the First Circuit Court of Appeals Criminal Justice Act panel. Felicia is a member of the Boston Bar Association's Amicus Committee and the Greater Boston Chamber of Commerce Amicus Advisory Board. Felicia worked as a Special Assistant District Attorney in the Middlesex District Attorney's Office where she prosecuted cases involving violent crimes, financial fraud, and many other offenses.

As co-chair of the firm's Pro Bono and Community Service Committee, Felicia maintains a robust pro bono practice, including representing clients in constitutional cases, criminal appeals, immigration proceedings, and civil rights actions. She played a lead role in WilmerHale's representation as co-counsel with the Commonwealth of Massachusetts in the Commonwealth's challenge to the constitutionality of the Defense of Marriage Act, leading to the historic Supreme Court marriage equality ruling. In addition, Felicia is the co-host of WilmerHale's *In the Public Interest* podcast, which welcomes interesting guests who share their unique perspectives on challenging issues and topics making headlines.

Felicia is a member of the Board of Trustees of the John F. Kennedy Library Foundation and a member of the Board of Directors of Teach for America of Massachusetts and the American Friends of the Norman Foster Foundation.

A native of the Boston area, Ms. Ellsworth served as a law clerk to Chief Justice John G. Roberts, Jr. of the Supreme Court of the United States and to Judge Michael Boudin of the United States Court of Appeals for the First Circuit. She attended Georgetown University's School of Foreign Service and the University of Chicago Law School, where she was the editor-in-chief of *The University of Chicago Law Review*.

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## ***Solutions***

Anti-Discrimination	Appellate and Supreme Court Litigation	Class Actions
Commercial Litigation	Education	Energy, Environment and Natural Resources
Environmental Litigation and Enforcement Defense	Investigations	Litigation
State Attorneys General	Trials	

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## *Experience*

Secured a swift victory during the COVID-19 pandemic on behalf of Harvard University and the Massachusetts Institute of Technology, blocking a directive forbidding international students with exclusively online classes from entering or remaining in the United States with student visas.

Trial and appellate counsel to Harvard University in *Students for Fair Admissions vs. President and Fellows of Harvard College*.

Trial and appellate counsel to the Berkshire Museum, successfully obtaining authorization from the Supreme Judicial Court for the Museum to deaccession several items in the Museum's art collection, including two paintings by Norman Rockwell.

Obtained a unanimous jury verdict for the NCAA after only a two hours of deliberations after an eight-day jury trial for defamation.

Trial and appellate counsel to the State of Vermont in various matters relating to the proposed relicensing, decommissioning and sale of the Vermont Yankee Nuclear Power Station in proceedings before the Vermont Public Utility Commission.

Trial and appellate counsel in a case involving an important question of federal preemption and Indian law under the Indian Gaming Regulatory Act.

Trial counsel to a major entertainment company in putative class action lawsuits in federal and state court arising out of a highly publicized data breach.

Appellate counsel to a multinational networking equipment manufacturer in a successful patent infringement appeal in the Federal Circuit and Supreme Court.

Appellate counsel to a private beverage company in the Ninth Circuit and Supreme Court in a successful challenge to a competitor's misleading labeling, resulting in a unanimous ruling in the client's favor in a case that attracted significant press coverage, including in *The New York Times* and *Law360*.

Appellate counsel to a medical device manufacturer in a successful trade secrets appeal to the Supreme Judicial Court of Massachusetts.

Appellate counsel to a major medical device manufacturer in a successful appeal to the Federal Circuit, reversing a multi-million dollar attorneys fees award.

Appellate counsel to Honda in a successful appeal to the Second Circuit.

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## Recognition



### ***Northeast Trailblazer***

*The American Lawyer*

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2021



### ***Named to the Top Women of Law List***

*Massachusetts Lawyers Weekly*

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2017



### ***Selected as a Massachusetts Super Lawyer for Appellate***

*Super Lawyers*

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2018–2023

- Selected by peers for inclusion in *Best Lawyers in America* for commercial litigation in 2023 and 2024.
- Named to *Boston Magazine's* Top Lawyers list in 2021–2023 in the area of appellate.
- Member of the Greater Boston Chamber of Commerce's Amicus Advisory Board.
- Member of the Boston Bar Association's Amicus Committee.
- Named by *The American Lawyer* as a "Northeast Trailblazer" in 2021 and its "Litigator of the Week" in October 2019.
- Appointed by the justices of the Supreme Judicial Court of Massachusetts to the Standing Committee on Pro Bono Legal Services.
- Elected as a member of The American Law Institute in 2018.
- Appointed by the justices of the Supreme Judicial Court of Massachusetts to the Standing Advisory Committee on Rules of Civil and Appellate Procedure for the Massachusetts Court System.
- Named a 2016 Trial Rising Star by *Law360*, a recognition that honors only five attorneys nationwide for their professional accomplishments.
- Named to the "Top Women of Law" *Massachusetts Lawyers Weekly* list in 2017, recognizing outstanding women lawyers whose contributions are invaluable to the legal profession.

- Recognized as an "Up & Coming Lawyer" by *Massachusetts Lawyers Weekly* in 2015, honoring attorneys who have been members of the bar for 10 years or less but who have already distinguished themselves in their practice.
- Named to the "Massachusetts Super Lawyer" list in the area of appellate practice in 2018–2023.
- Named to the "Massachusetts Rising Stars" list in the areas of appellate and US Supreme Court litigation practices in 2015–2016; also named to the "Top Women Attorneys in Massachusetts Rising Stars" list in the April 2016 issue of *Boston Magazine*.
- Named to the Lawdragon 500 Leading Litigators in America list.

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## Credentials

### EDUCATION

JD, University of Chicago Law School, 2005

*High Honors*

*Order of the Coif; Editor-in-Chief, The University of Chicago Law Review*

BS, Foreign Service, Georgetown University, School of Foreign Service, 2000

*cum laude*

*Honors Certificate in Muslim-Christian Understanding*

### ADMISSIONS

Massachusetts

### CLERKSHIPS

The Hon. Michael Boudin, US Court of Appeals for the First Circuit, 2005 - 2006

The Hon. John G. Roberts, Jr., US Supreme Court, 2006 - 2007