



## *Seth P. Waxman*

### **PARTNER**

Co-Chair, Appellate and Supreme Court Litigation Practice  
Co-Chair, Native American Law Practice

---

WASHINGTON DC  
+ 1 202 663 6800  
SETH.WAXMAN@WILMERHALE.COM

Universally considered to be among the country's premier Supreme Court and appellate advocates, Seth Waxman served as Solicitor General of the United States from 1997 through January 2001. In addition to leading the firm's appellate practice, Mr. Waxman engages in a broad litigation and counseling practice, with particular emphasis on complex challenges involving governments or public policy, intellectual property, regulatory, criminal and commercial issues.

A Fellow of the American College of Trial Lawyers, Mr. Waxman also is a widely respected trial litigator. In a December 2020 article, *The Hill* stated, "[T]here is no more respected lawyer in Washington." *The American Lawyer* named him Litigation - First Amendment "Lawyer of the Year" for 2020, Appellate/Litigation "Lawyer of the Year" for 2018, and "Litigator of the Year" and Litigation - Intellectual Property "Lawyer of the Year" for 2016. Mr. Waxman was also named Litigation - First Amendment Law and Regulatory Enforcement Law "Lawyer of the Year" for 2015 by *Best Lawyers in America*, and, in 2014, *Super Lawyers* deemed him the "number one" lawyer in Washington DC. Mr. Waxman has been accorded both "star" rating by *Chambers USA* and "leading lawyer" ranking in PLC's *Global Counsel Handbook*.

Mr. Waxman's practice spans both federal and state trial and appellate courts. He has delivered over 85 oral arguments in the United States Supreme Court and many more in the lower federal and state courts. Mr. Waxman's clients range from financial institutions to technology, consumer, industrial and media companies, universities and Indian tribes, and he leads the firm's efforts to counsel tribal governments. He also represents a number of local, state and national governments and prominent business and government executives and professionals. The recipient of numerous professional awards and honors, Mr. Waxman is among a small handful of practicing attorneys elected to the American Academy of Arts and Sciences. He holds several honorary degrees, as well as the Jefferson Medal in Law, an honor awarded once a year and only rarely to an attorney in private practice. In recognition of exceptional service to law enforcement, Mr. Waxman holds the extraordinary status of permanent honorary Special Agent of the Federal Bureau of Investigation.

## Professional Activities

Mr. Waxman served as president of Harvard's Board of Overseers from 2010-2011. He was elected to the board in 2005, and has served on its executive committee since 2008. Mr. Waxman also serves on the faculty of the Georgetown University Law Center. He is a director and fellow of several professional, educational and cultural institutions, including the American College of Trial Lawyers, the American Academy of Appellate Lawyers, the American Bar Foundation, the American Law Institute, the Supreme Court Institute and the Supreme Court Historical Society. He lectures and writes frequently on topics related to litigation, constitutional history and doctrine, the First Amendment, intellectual property and the Supreme Court.

---

## Solutions

Appellate and Supreme Court Litigation	Government and Regulatory Litigation	Litigation
Public Policy and Legislative Affairs	Intellectual Property Litigation	Energy, Environment and Natural Resources
Environmental Litigation and Enforcement Defense	Government Contracts	National Security
Antitrust Litigation	Insurance, Annuities and Retirement	Education
Anti-Discrimination	Administrative Law	Native American Law
Media and Entertainment	Trials	

---

## Experience

### SUPREME COURT LITIGATION

Mr. Waxman has won landmark rulings in many Supreme Court cases, including *Boumediene v. Bush*, in which the Court ruled that foreign citizens held at Guantanamo Bay have rights under the Constitution to challenge their detention in US civilian courts; *Roper v. Simmons*, in which the Court declared unconstitutional the death penalty for juvenile offenders; and *McConnell v. FEC*, in which the Court sustained the constitutionality of the Bipartisan Campaign Reform Act. He has also won victories in the Supreme Court for a wide range of business clients, including Medtronic, Monsanto, ABC, Liberty Mutual Insurance, Chase, Ford, Household Credit, and POM Wonderful.

### INTELLECTUAL PROPERTY LITIGATION

Mr. Waxman represents clients in patent, copyright, trade-secret and other intellectual property litigation, in both trial and appellate courts. He has won multiple consecutive cases in the Court of Appeals for the Federal Circuit involving complex issues of patent validity, infringement, and licensing.

## PUBLIC AND CORPORATE CLIENTS

Mr. Waxman's clients constitute a broad range of public as well as corporate institutions. He won a precedent-setting victory for client DaVita in one of the first-ever criminal labor market allocation cases brought by the Department of Justice. He secured judgment on all counts for Harvard University in a case challenging its use of race in the undergraduate admissions process following a three-week federal bench trial. He also won a complete victory for the Government of Canada in a multi-billion-dollar trade dispute involving softwood lumber imports before a NAFTA Extraordinary Challenge Committee proceeding. By special appointment, he advised the Office of the Governor of the State of Connecticut in connection with the state legislature's landmark proceedings to consider impeachment of a sitting governor. He served as counsel to the Commission to Review the United States Olympic Committee, a blue-ribbon commission created by the United States Senate to review and recommend changes to the structure and operations of the USOC. He represented the United Nations in litigation concerning the Oil for Food investigation and several state regulatory agencies in First Amendment and environmental matters.

---

## Recognition



### ***Lifetime Achievement Award***

*The American Lawyer*

---

2021



### ***Appellate/Litigation Lawyer of the Year***

*Best Lawyers in America®*

---

2018



### ***Litigator of the Year***

*The American Lawyer*

---

2016

- Named a "Leading Individual" for Education by *Legal 500* in 2023.
- Lifetime Achievement Award, *The American Lawyer*, 2021.
- Distinguished IP Professional Award, IPO Education Foundation, 2016.
- Elected to the American Academy of Arts and Sciences, 2006.
- Honorary Degrees, Georgetown University, American University, 2009.
- Thomas Jefferson Medal in Law, University of Virginia, 2002.

- Judge Learned Hand Award, American Jewish Committee, 2007.
- Exceptional Service Award, National Coalition Against the Death Penalty, 2005.
- Frederick Douglass Human Rights Award, Southern Center for Human Rights, 2005.
- Permanent Honorary Special Agent, Federal Bureau of Investigation, 2001.
- Edmund J. Randolph Award for Exceptional Service, US Department of Justice, 2001.
- Pursuit of Justice Award, International Association of Jewish Lawyers and Jurists, 1999.
- *Pro Bono Publico* Award, American Bar Association, 1988.
- Benjamin J. Cardozo Certificate of Merit, Anti-Defamation League of B'nai B'rith, 1987.
- **Other Recognition**
- Named to the inaugural *Legal 500 US* Hall of Fame list in 2017 and named to the *Legal 500 US* Hall of Fame for 2021–2023.
- Named 2016 "Litigator of the Year" by *The American Lawyer*.
- Received the Outstanding Achievement Award from *Chambers USA* in 2012 for his contributions to the legal profession.
- Named First Amendment "Lawyer of the Year" in 2013 and 2021, Litigation - First Amendment "Lawyer of the Year" for 2020; Appellate/Litigation "Lawyer of the Year" for 2018; Litigation - Intellectual Property "Lawyer of the Year" for 2016; Litigation-First Amendment Law and Regulatory Law "Lawyer of the Year" for 2015; Appellate Practice "Lawyer of the Year" for 2014 and "Bet-the-Company Litigator of the Year" in 2010 and 2019 by *Best Lawyers in America*. Listed by *Best Lawyers* annually in the areas of appellate law, bet-the-company litigation, commercial litigation, intellectual property litigation, white-collar criminal litigations and First Amendment law.
- Named the "Number One" lawyer in Washington DC by *Super Lawyers* 2013 and 2014. He has been selected to the Washington DC *Super Lawyers* list each year since 2007, and is recognized as one of Washington DC's "Top Ten" lawyers in the 2009–2017 editions.
- Named to *The National Law Journal's* 2014 list of Intellectual Property Trailblazers & Pioneers.
- Selected as "Litigator of the Week" in *The American Lawyer's Litigation Daily* in October 2019 for a victory defending Harvard University's race-conscious admissions system, in June 2014 in a US Supreme Court victory for *Pom Wonderful* and in June 2008 when pro bono Guantanamo Bay detainee clients were extended habeas corpus rights by the US Supreme Court.
- Named one of the "The 100 Most Influential Lawyers in America" by *The National Law Journal* in 2013 and 2006.

- Ranked as a "Star Individual" in national appellate litigation in the 2007–2023 editions of *Chambers USA Guide* and selected as a leading lawyer in the Native American law category in the 2014–2023 editions.
- Named a "Litigation Star" by *Benchmark Litigation* (2021–2024).
- Recognized as a "National Star" for his appellate litigation practice in the 2010, 2012 and 2013 editions of *Benchmark Litigation*. Listed in the 2012 and 2013 editions of *Benchmark Appellate* for his work in the District of Columbia and Federal Circuit.
- Listed as a "Leading Lawyer" for Supreme Court and Appellate Litigation and Native American law in *The Legal 500 United States*.
- Named a national and DC Metro Area 2013–2023 leading patent litigator (Court of Appeals for the Federal Circuit) by *IAM Patent 1000: The World's Leading Patent Practitioners*, and listed as a leading patent litigator in the 2011 edition of *IAM Patent Litigation 250*.
- Consistently recognized as an IP Star by *Managing IP*, and was the recipient of its Supreme Court Milestone Case of the Year award for his successful representation of POM in *POM Wonderful v. Coca-Cola*.
- Selected as DC IP Litigator of the Year in 2014 and named a 2013–2020 IP Star by *Managing IP*, a guidebook that identifies leading IP lawyers in the United States.
- Named Washington DC's "Leading Lawyer" in the area of appellate litigation by the *Legal Times*, December 2004.
- Named to *Washingtonian* magazine's "Washington's Best Lawyers" list in 2004, 2007, 2009, 2011, 2013 and 2015.
- Recognized by his peers as one of the world's leading litigation attorneys in Legal Media Group's *The Best of the Best*.
- Listed in the *PLC Which Lawyer? Yearbook 2006* as one of Washington DC's leading lawyers in the dispute resolution category.
- Selected "Lawyer of the Year" in 2005 by *Lawyers Weekly USA*.
- Named to the Lawdragon 500 Leading Litigators in America list.

---

## Credentials

### EDUCATION

JD, Yale Law School, 1977

*Managing Editor, Yale Law Journal*

Rockefeller Fellow, 1974

AB, Harvard University, 1973

*summa cum laude*

*Phi Beta Kappa*

### ADMISSIONS

District of Columbia

### CLERKSHIPS

The Hon. Gerhard A. Gesell,  
US District Court for the  
District of Columbia, 1977 -  
1978

### GOVERNMENT EXPERIENCE

Department of Justice

Office of the Deputy Attorney  
General

*Acting Deputy Attorney General*

Department of Justice

Office of the Solicitor General

*Solicitor General of the United  
States*

Department of Justice

Office of the Solicitor General

*Acting Solicitor General*

Department of Justice

Office of the Solicitor General

*Principal Deputy Solicitor  
General*