Amid intense competition for a persistently small number of cases, Wilmer Cutler Pickering Hale and Dorr reached the top of the heap among law firms arguing the most cases at the U.S. Supreme Court in the term just ended.

Five Wilmer partners argued in eight cases—more than 10 percent of the 67 cases in which the court heard arguments. Four of those appearances came in a single two-week argument cycle in late March and April—more than in any recent cycle. The four-lawyer firm Goldstein & Russell, with five cases argued—and won—came in second to Wilmer.

Although most of Wilmer’s cases involved pre-existing clients, Seth Waxman, chairman of the firm’s appellate and Supreme Court litigation practice, said he was aware of the competition. “There are many, many lawyers who will do almost anything to get a Supreme Court case,” he said.

Waxman, 63, argued four of the eight Wilmer cases himself. The firm’s high numbers left room for four additional attorneys to make appearances, fulfilling the goal Waxman set when he joined Wilmer in 2001 after serving as U.S. solicitor general. “I wanted to build a group of lawyers I could mentor and really assist in their careers.”

Wilmer partner Thomas Saunders, who argued his first Supreme Court case in March, said, “I felt there was a generational shift afoot. It was a very exciting term.” Partner Mark Fleming, who argued in April, agreed that “this is not just the overflow from Seth, but a conscious strategy to bring up the next generation.” Saunders credited a “very deep bench” at Wilmer for the bandwidth that allowed five partners to argue last term. “It was all hands on deck.”

But for lawyers arguing at the high court, last term wasn’t just about large, “tall-building” law firms—a phrase Justice Antonin Scalia used derisively to describe lawyers who supported same-sex marriage. It was also about making it to the Supreme Court at all, which is far from a given in a system where 152 vacancies to the court exist and only 72 of those have been filled. The court’s term ends June 26.

BY TONY MAURO

SCORECARD FOR LAW FIRMS

Three or more arguments in Supreme Court 2014-2015 term.

<table>
<thead>
<tr>
<th>LAW FIRM</th>
<th>NUMBER OF CASES ARGUED</th>
<th>NUMBER OF LAWYERS WHO ARGUED</th>
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<th>LOSSES</th>
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<td>5</td>
<td>4</td>
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<tr>
<td>Goldstein &amp; Russell</td>
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<td>Williams &amp; Connolly</td>
<td>3</td>
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<td>1</td>
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Note: Omnicare v. Laborers District Council has been counted as a win for the lawyers on both sides from Goldstein & Russell and Williams & Connolly because of the court’s compromise.
Supreme Court Bar Is ‘Pretty Much Maxed Out’

In February, “The trial lawyers ought to hand over the case to the Supreme Court experts,” she said. Sometimes the hometown lawyers “will be really good, but often they are not.”

Gender diversity did not have a banner year at the court, either. Only one female lawyer from a private firm argued more than one case this past term. Allyson Ho, co-chairwoman of the appellate practice at Morgan, Lewis & Bockius, argued and won *MeG Polymers v. Tackett*, a collective-bargaining case, in November. It was her debut argument before the court. A few weeks later, she argued a second time in an administrative law case, *Perez v. Mortgage Bankers Association*. That turned out to be a loss.

“It was both a sprint and a marathon,” Ho said of her experience, but she enjoyed it. “As a University of Chicago Law School graduate, I have to be a big believer in free-market competition, right?” Ho said. “Iron sharpens iron, and to the extent competition results in the best advocacy to assist the court in resolving the most difficult issues, all the better.”

Contact Tony Mauro at tmauro@alm.com.

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