

A Whole Lotta Hustle, a Boost From Partners and Client Buy-In: A Latham Associate's Recipe for Landing 11 Appellate Arguments

Samir Deger-Sen came to Latham as a collegiate debate world champion and three-time federal clerk. But even he had to work to find appellate argument opportunities.

By Ross Todd
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The events of the past week have made the folks at **Latham & Watkins** look quite prescient for their decision to elevate appellate litigator **Samir Deger-Sen** to the firm's partnership at the turn of the year.

Last Thursday, the U.S. Court of Appeals for the Ninth Circuit extended Deger-Sen's winning streak to six cases in the federal appeals he's argued since 2020. The Ninth Circuit affirmed the dismissal of antitrust claims brought by two entertainment journalists who challenged the membership policies of Latham's client, the Hollywood Foreign Press Association. (As if the win streak alone weren't impressive enough, Deger-Sen has racked up a whopping total of 11 appellate arguments as an associate, not to mention three arguments in district court cases.)

But on Tuesday, Deger-Sen claimed an even rarer feat for a Big Law associate: The U.S. Supreme Court granted cert in the criminal appeal of Timothy Smith, an Alabama software engineer and recreational fisherman whom Deger-Sen represents as counsel of record. Smith was convicted in the Northern District of Florida of hacking into a website that tracks and sells the locations of artificial fishing reefs, although he lives in the Southern District of Alabama and the site's servers are located in the Middle District of Florida. The High Court is set to consider whether the

government's failure to prove venue bars further prosecution as the Fifth and Eighth Circuits have held, or whether prosecutors can re-try a defendant for the same offense in a different venue, as the Sixth, Ninth, Tenth, and Eleventh Circuits have held.

"The cert grant this week in his criminal case is just an absolute rockstar moment for Samir," said Latham partner **Roman Martinez**, a fellow member of the firm's Supreme Court and appellate practice. "Getting the Supreme Court to grant your cert petition as an associate first-chairing a case is a really special thing."

I should perhaps back up to note that even in a world populated by people with impressive resumes, Deger-Sen stands out. He holds two degrees from the University of Oxford, where he won a world university debating championship. After graduating from Yale Law School, he clerked in the District of Hawaii, the Ninth Circuit, and then at the U.S. Supreme Court for Justice Anthony Kennedy. But even with that impressive



Samir Deger-Sen, of Latham & Watkins.

Courtesy photo

background, Deger-Sen had to face the paradox of oral argument experience: If you don't have any, it's hard to get.

Deger-Sen said it was "really challenging" getting initial opportunities for oral argument. But he said he "aggressively" went after pro bono opportunities. After he got his first argument in the Seventh Circuit through the court's pro bono program in 2018, he landed another argument the same year in a case at the California Court of Appeal through a contact at the ACLU.

"That has sort of built a foundation," Deger-Sen says of the pro bono experience. "That's meant that paying clients are much more comfortable with me."

Deger-Sen's opportunities have come through a mixture of self-advocacy, investment by partners who have taken an interest in his development, and buy-in from paying clients.

"You really have to ask for it," Deger-Sen said. "I think you do have to be an advocate for yourself and try and find opportunities."

Deger-Sen said developing appellate lawyers have to be prepared to stand up and say that they're best positioned to handle a particular argument and to lay out the reasons why.

"I think you then have to have mentors internally who are really willing to support that," he said. Deger-Sen said that both his colleagues within the appellate group and in the broader litigation department have introduced him to clients and advocated for him to have argument opportunities. And ultimately, the decision is in the hands of the client.

"It's risky for them," he said. "You have to have the right mentors and the right clients, and I've been very lucky to have both."

Latham partner Martinez said that the firm has been "forward-leaning" in terms of putting associates forward and asking clients to consider letting them argue. He said the response has been "really gratifying."

"They tend to like the idea of supporting the people and giving career opportunities to the folks that have been working with them on cases," Martinez said.

Nikki Stitt Sokol, the director and associate general counsel at **Meta Platforms**, said the company had "total confidence" in Deger-Sen when he was tapped to argue an important TCPA case for the company in the district court, where he persuaded the judge to reverse his tentative ruling. He later argued the appeal of that case in the Ninth Circuit and secured interlocutory review in another class action. "It's something we're really proud of at Meta that we give significant opportunities to talented young advocates like Samir, and we couldn't be happier with the work he's done for us," she said.

If I were an aspiring appellate lawyer looking at Deger-Sen's experience, I think I would find it both heartening and daunting. Oral argument opportunities are tough to come by even for someone who comes to the practice after three clerkships and a debate world championship.

When I shared that thought with Martinez, he noted that the law is a competitive business at every level. There are a lot of great law firms out there. Lawyers are always working hard to set themselves apart. They have to be entrepreneurial on top of being good at their jobs in terms of their technical, legal work.

"We always have to be hustling and that's true whether you're an associate trying to get arguments or a partner trying to get clients and arguments," Martinez said.

"I think that Samir's story shows that someone who's got incredible aptitude, and has got the sort of hustle and entrepreneurial spirit that Samir has—someone like him can succeed," Martinez said. "But frankly, I've seen it with other folks who didn't necessarily have every item on Samir's resume."

That's a good thing for all of us, I think. Resumes like Samir's are hard to come by.