

Courtside: Katyal's path to Hogan Lovells

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When Neal Katyal left the Justice Department as acting solicitor general in June, Chief Justice John Roberts Jr. made remarks at a farewell reception that may have unknowingly forecast where Katyal would land next.

Roberts said at the event that Katyal was "one of the finest lawyers who has argued before the Court." On Tuesday Hogan Lovells, the firm where Roberts himself made his name as a top appellate advocate in the 1990s, announced it had hired Katyal, in a sense, as a successor to Roberts.

"Neal's addition to the firm continues a long-standing legacy of having a top appellate practice, including a top Supreme Court practice that can be traced back to Barrett Prettyman Jr., who established it, and obviously, former practice leader Chief Justice Roberts," said Warren Gorrell, co-CEO of Hogan Lovells on Tuesday. "Having a strong appellate practice is obviously something that has been very important to the firm."

Gorrell quickly added that the firm already had one, under the stewardship of partner Cate Stetson, who continues as co-head of the appellate practice along with Katyal. "But the idea to add Neal to the team is actually one we have focused on for a few years." Asked if he had talked to Roberts about hiring Katyal, Gorrell said no, but he cited Roberts' comments at the farewell party as proof that Roberts' admiration for Katyal "wasn't a secret."

In a joint interview with Katyal, Gorrell acknowledged that the firm had interviewed other top advocates besides Katyal for the job at Hogan. Katyal also entertained offers from numerous other firms. So what sealed the deal – apart from money, which neither discussed?

Picking up on Gorrell's remarks, Katyal said the firm's "dominant history" as an appellate leader was a major factor in his decision. "The firm knows how to do appellate law right."

As a summer associate in 1995, Katyal actually worked closely with Roberts at Hogan & Hartson, the predecessor to Hogan Lovells. It was an "amaz-



**FORMER ACTING SOLICITOR GENERAL
NEAL KATYAL**



HOGAN LOVELLS' WARREN GORRELL

ing experience," Katyal recalled. Katyal had been an intern in the solicitor general's office, and when he asked then-assistant to the SG Miguel Estrada where he should spend the next summer, Estrada replied, "There is only one firm for you to consider: Hogan and John G. Roberts. The g is for God."

In addition to that history, Katyal said the prospect of working with the firm's current appellate team was a major selling point. Several years ago a judge on the U.S. Court of Appeals for the D.C. Circuit told Katyal that Hogan's Stetson had delivered the best oral argument of the year, Katyal said. After that, "I tried to make it a point to get to know her, and we did and we became friends." Katyal described her as "one of the rare people in town who is brilliant but doesn't wear it on her sleeve." He added, "there is no one in the world I would rather practice law with than Cate Stetson."

Katyal also said the idea of working in three areas where "the firm has real strength" was a draw for him: patents, health care and financial

services. Katyal was the first person in the SG's position ever to argue a patent case before the U.S. Court of Appeals for the Federal Circuit, and he was the Obama administration's lead defender of the individual mandate in the Affordable Care Act. When asked, Katyal declined to discuss how ethics rules pertaining to former government lawyers and political appointees might affect his involvement in those areas.

Hogan is a lot bigger than when Katyal worked there before, and its partnership with a large British firm concerned him, he said. "The Lovells side of things, I really did not have much knowledge about," Katyal said. When he raised the concern, Hogan partners suggested he fly to London and spend time at the firm office there. He did, and soon, a potential liability became "the biggest selling point for me." Katyal was impressed by the culture of collegiality that is ingrained in both firms. "They've actually added value to something that was already pretty great," he said of Lovells.

For Gorrell, Katyal was the right choice not only because of the savvy and "practical insights" that his work as principal and acting SG has given him. "Neal's commercial focus" also was a draw, Gorrell said. "He is a really thoughtful guy who understands how law and business intersect."

Gorrell also reviewed Katyal's personnel file from when he was a summer associate at Hogan. "He was off the charts," Gorrell said. "Not only did he do great work, but everyone commented on what a nice person he was."

So, 16 years he first worked there, Hogan got Katyal back. "It was a pretty easy decision for us," said Gorrell. "When he was available, we pursued him."

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