

## Neal Katyal

Partner

Washington, D.C.

### Biography

Neal Katyal, the former Acting Solicitor General of the United States, focuses on appellate and complex litigation. In December 2017, *American Lawyer* magazine named him The Litigator of the Year; he was chosen from all the lawyers in the United States. At the age of 48, he has also already argued more Supreme Court cases in U.S. history than has any minority attorney, recently breaking the record held by Thurgood Marshall.

Neal has extensive experience in matters of patent, constitutional, technology, securities, criminal, employment, and tribal law. He has orally argued 37 cases before the Supreme Court of the United States, with 35 of them in the last nine years. In the 2016-17 term alone, Neal argued seven cases in six separate arguments at the Supreme Court, far more than any other advocate in the nation—nearly 10% of the docket. His 2017 win in *Bristol Myers Squibb v. Superior Court* was a landmark victory for personal jurisdiction law.

Prior to joining Hogan Lovells, Neal served as Acting Solicitor General of the United States, where he argued several major Supreme Court cases involving a variety of issues, such as his successful defense of the constitutionality of the Voting Rights Act of 1965, his victorious defense of former Attorney General John



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### Practices

Litigation

Intellectual Property

Health

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### Areas of focus

Appellate and Supreme Court  
Litigation

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### Education and admissions

### Education

Ashcroft for alleged abuses in the war on terror, his unanimous victory against eight states who sued the nation's leading power plants for contributing to global warming, and a variety of other matters. As Acting Solicitor General, Neal was responsible for representing the federal government of the United States in all appellate matters before the U.S. Supreme Court and the Courts of Appeals throughout the nation. He served as Counsel of Record hundreds of times in the U.S. Supreme Court. He was also the only head of the Solicitor General's office to argue a case in the U.S. Court of Appeals for the Federal Circuit, on the important question of whether certain aspects of the human genome were patentable.

Neal has also served as a law professor for over two decades at Georgetown University Law Center, where he was one of the youngest professors to have received tenure and a chaired professorship in the university's history. He has also served as a visiting professor at both Harvard and Yale law schools.

After graduating from Yale Law School, Neal clerked for The Honorable Guido Calabresi of the U.S. Court of Appeals for the Second Circuit as well as for The Honorable Justice Stephen G. Breyer of the U.S. Supreme Court. He also served in the Deputy Attorney General's Office at the Justice Department as National Security Advisor and as Special Assistant to the Deputy Attorney General during 1998-1999. Neal has published dozens of scholarly articles in law journals, as well as many op-ed articles in such publications as the *New York Times* and the *Washington Post*, and has testified numerous times before various committees of both the U.S. House of Representatives and the U.S. Senate.

Neal is the recipient of the very highest award given to a civilian by the U.S. Department of Justice, the Edmund Randolph Award, which the Attorney General presented to him in 2011. The Chief Justice of the United States

Honorary Degree, Doctor of Humane Letters, The City University of New York, 2018

Honorary Degree, Doctor of Law, Lewis & Clark Law School, 2012

J.D., Yale Law School, 1995

A.B., Dartmouth College, with highest honors, 1991

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## Bar admissions and qualifications

District of Columbia

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## Court admissions

U.S. Court of Appeals, 8th Circuit

U.S. Court of Appeals, Federal Circuit

U.S. Court of Appeals for the D.C. Circuit

U.S. Court of Appeals, 4th Circuit

U.S. Court of Appeals, 9th Circuit

U.S. Court of Appeals, 2nd Circuit

U.S. Court of Appeals, 7th Circuit

U.S. Court of Appeals, 6th Circuit

U.S. Court of Appeals, 10th Circuit

U.S. Supreme Court

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appointed him in 2011 (and again in 2014) to the Advisory Committee on Federal Appellate Rules. Among other honors, he was named as One of the 40 Most Influential Lawyers of the Last Decade Nationwide by *National Law Journal* (2010); Appellate MVP by *Law360* numerous times (most recently in 2017); winner of the *Financial Times* Innovative Lawyer Award for 2017 in two different categories (both private and public law); One of the 90 Greatest Washington Lawyers Over the Last 30 Years by *Legal Times* (2008); one of *GQ's* Men of the Year (2017); Lawyer of the Year by *Lawyers USA* (2006); Runner-Up for Lawyer of the Year by *National Law Journal* (2006); and one of the top 500 lawyers in the country by *LawDragon* magazine for each of the last 11 years. He also won the *National Law Journal's* pro bono award in 2004. He recently played himself, arguing a Supreme Court case against the Solicitor General, in an episode of *House of Cards* on Netflix.

After graduating from Yale Law School, he worked as a summer associate with Hogan Lovells' legacy law firm, Hogan & Hartson.

## Representative experience

Preemption/Mass Torts

Counsel of Record and oral advocate in *Learjet v. Oneok* (2015) (United States Supreme Court) (natural gas preemption)

Counsel of Record and oral advocate in *Chamber of Commerce v. Whiting* (2011) (United States Supreme Court) (challenge to Arizona immigration statutes)\*

Counsel of Record and oral advocate in *American*

*Electric Power v. Connecticut* (2011) (United States Supreme Court) (global warming and common law tort of nuisance/federal preemption)\*

Counsel of Record for United States in *Mazda v. Williamson* (2011) (United States Supreme Court) (federal preemption of state safety belt standards)\*

Data Privacy/Cyberlaw

Counsel of Record and oral advocate in *NASA v. Nelson* (2011) (United States Supreme Court) (privacy rights of employees)\*

Counsel of Record and oral advocate in *Quon v. City of Ontario* (2010) (United States Supreme Court) (privacy rights over explicit text messages)\*

Intellectual Property

Counsel of Record and oral advocate in *B&B v. Hargis* (2014) (US Supreme Court) (trademark/TTAB)

Counsel of Record and oral advocate in *Highmark v. Allcare* (2014) (US Supreme Court) (Patent Act Section 285 awards)

Counsel of Record and Oral Advocate in *Garcia v. Google/YouTube*, (2014) (en banc, 9th Circuit) (copyright of actor's performance)

Counsel of Record for United States in *Microsoft Corp*

*v. i4i Limited* (2011) (United States Supreme Court)  
(whether patent challengers must establish invalidity  
by clear and convincing evidence)\*

Counsel of Record for United States in *Board of  
Trustees of Stanford University v. Roche Molecular  
Systems* (2011) (United States Supreme Court)  
(interpretation of who owns inventions under the  
Bayh-Dole Act)\*

Counsel of Record at certiorari stage for United States  
in *Mayo Collaborative Services v. Prometheus* (2011)  
(United States Supreme Court) (patentability of natural  
phenomena, medical tests)\*

Counsel of Record and oral advocate for United States  
in *Association for Molecular Genetics v. Myriad  
Genetics*, Fed Cir (2011) (whether individual genes in  
the human genome can be patented)\*

Government Contracts

Counsel of Record and oral advocate in *General  
Dynamics v. United States* (2011) (United States  
Supreme Court) (over \$6 billion at stake, contractual  
dispute over A12 fighter)\*

Counsel of Record for United States in *Astra USA v.  
Santa Clara County* (2011) (United States Supreme  
Court) (pharmaceutical pricing agreements and breach  
of contract actions)\*

Labor/Employment

Counsel of Record and oral advocate in *US Airways v. McCutchen* (2012-13) (United States Supreme Court) (ERISA actions under rules of equity)

Counsel of Record and oral advocate in *Genesis Health v. Symczyk* (2012-13) (United States Supreme Court) (Mooting of class actions under FRCP 68)

Counsel of Record in *Glatt v. 21st Century Fox* (Second Circuit 2015) (FLSA standards for interns)

Counsel of Record and oral advocate in *Lewis v. City of Chicago* (2010) (United States Supreme Court) (statute of limitations for 20,000 person class action of firefighters)\*

Counsel of Record and oral advocate in *New Process Steel v. NLRB* (2010) (United States Supreme Court) (quorum rules for NLRB)\*

Counsel of Record for United States in *Thompson v. North American Stainless* (2011) (United States Supreme Court) (whether Title VII creates a cause of action for retaliation against third parties)\*

Counsel of Record for United States in *Kasten v. St-Gobain Performance Plastics Corp* (2011) (United States Supreme Court) (Fair Labor Standards Act – scope of anti-retaliation provision)\*

Counsel of Record and oral advocate in *Engquist v. Oregon* (2008) (United States Supreme Court)

(intersection of employment law and equal protection law)\*

Securities Regulation/Bankruptcy

Counsel of Record and Oral Advocate in *Law v. Siegel* (2014) (United States Supreme Court) (bankruptcy act)

Counsel of Record for United States in *Erica P. John Fund v. Halliburton* (2011) (United States Supreme Court) (class actions – loss causation and class certification)\*

Counsel of Record for United States in *Janus Capital Group v. First Derivative Traders* (2011) (United States Supreme Court) (securities fraud – who makes an untrue statement)\*

Counsel of Record for United States in *Matrixx Initiatives v. Siracusano* (2011) (United States Supreme Court) (materiality in securities fraud)\*

Some Others

Counsel of Record and oral advocate in *DHS v. MacLean* (2014) (United States Supreme Court) (whistleblower Act)

Counsel of Record and oral advocate in *Kansas v. Cheever* (2014) (United States Supreme Court) (compelled self incrimination)

Counsel of Record and oral advocate in *Ashcroft v. Al Kidd* (2011) (United States Supreme Court) (liability for Attorney General Ashcroft in allegedly authorizing abuses of civil liberties in the war on terror)\*

Counsel of Record and oral advocate in *Northwest Austin v. Holder* (United States Supreme Court) (constitutionality of the Voting Rights Act of 1965)\*

Counsel of Record and oral advocate in *Hamdan v. Rumsfeld* (2006) (United States Supreme Court) (constitutional and international law challenge to the military tribunals at Guantanamo)\*

Counsel of Record and oral advocate in *Thomas More Law Center v. Obama* (6th Cir. 2011) (constitutional challenge to the new healthcare law, the Affordable Care Act)\*

Counsel and oral advocate in *Al Malaqi v. Gates* (DC Cir. 2010) (habeas corpus rights for individuals detained in Afghanistan)\*

*\*Matter handled prior to joining Hogan Lovells.*

## Awards and rankings

- Litigator of the Year, Grand Prize Winner, *American Lawyer*, 2017
- Top 500 Lawyers in America; one of 41 nationwide to win every year; recognized on "Legends" list, *Lawdragon Magazine*, 2006-2018
- Appellate Law (Nationwide), *Chambers USA*, 2013-2017



- Dispute Resolution: Appellate: Supreme Court (Federal and State), Leading Lawyer, *Legal 500 US*, 2013-2017
- Appellate Attorney of the Year, *Benchmark Litigation*, 2018
- Appellate MVP, *Law360*, 2013-2014, 2017
- 10 Most Innovative Lawyers, *Financial Times*, 2015
- Edmund Randolph Award (highest award DOJ can give a civilian), *Department of Justice*, 2011
- Lawyer of the Year, *Lawyers USA*, 2006
- Lawyer of the Year, Runner-up, *National Law Journal*, 2006

## Latest thinking and events

- Press Releases
  - Hogan Lovells Wins for Philadelphia in Fight for Sanctuary Policies
- Hogan Lovells Publications
  - BHR 360: highlights from 2017, and what to watch out for in 2018 *Hogan Lovells*
- Press Releases
  - Hogan Lovells Wins for Philadelphia Sanctuary Policies
- Announcements
  - POLITICO Magazine Names Neal Katyal to Its Annual Politico 50 List 2017
- Published Works
  - Supreme Court Case Concerning President Trump's Travel and Refugee Bans – Key Documents
- Published Works
  - The Hogan Associate (and Partner) Who Knocked Out the Travel Ban *The AmLaw Litigation Daily*