

Arnold & Porter's Pugnacious Powerhouse: Lisa Blatt

By **Gavin Broady**



Law360, New York (October 28, 2014, 4:35 PM ET) -- Lisa Blatt may be the most accomplished female Supreme Court advocate in the game today, with a near-perfect high court win record she credits to an aggressive litigation philosophy that is equal parts Sun Tzu and Vince Lombardi.

"Advocacy is both an art and a war," Blatt says. "I tell lawyers all the time: Don't think about what the law should be or what the law is. Don't be professorial. The whole point, the only point, is to win."

And win she does. In her 33 high court cases — a record for female litigators — the Arnold & Porter LLP ace has come out on top 32 times, due in part to her ruthlessly martial brand of courtroom combat.

"This is gonna sound awful, but I do think of every case like this: One side is actually going to die, and I don't want it to be me," she says. "Everybody's got their motivations, and mine just happens to be fear of death."



Finding Her Voice

Raised by two New York-born psychologists, Blatt has the fast-talking, high-energy style of a lifelong Manhattanite despite the fact that, prior to beginning the University of Texas Law School, she had only once set foot outside the Lone Star State.

Blatt was inspired to go into law after studying *Brown v. Board of Education* while doing high school debate, but she says her real legal education came during her clerkship with Supreme Court Justice Ruth Bader Ginsburg.

"There's no question she's the most important person in my professional life, and I think about her whenever I'm writing a brief or going up there," Blatt says. "She is so much of a perfectionist, and I really just don't want to let her down."

From there Blatt took a job with Williams & Connolly LLP for a three-year tenure she credits not only with introducing her to her husband — David Blatt, who remains a partner with the firm — but also with

instilling an aggressive approach to litigation and unleashing her inner legal warrior.


The firm's trial focus soon wore thin, however, and it became apparent that the long stretches of travel required were incompatible with the life the mother of two envisioned for herself.

"David would be in one hotel and I'd be another, and we didn't even have cellphones back then," she says. "I don't mind telling anybody this, but my biggest ambition in life was to be a mother, and I just didn't see how that sort of schedule could work. It was a very lonely existence."

Blatt called on connections in Texas and got a job at the Department of Energy, where she grappled with the legal fallout from declassified World War II-era plutonium tests on human subjects until the solicitor general's office came calling.

Recruited as part of a gender diversity initiative, Blatt soon found her calling in appellate law and spent the next 13 years finding her voice as an advocate as an assistant SG.

"It took me probably 10 arguments to find my confidence and figure out how to use it to work in my favor instead of just getting through the 15 or 30 minutes," she says. "I was so terrified of failing before my first argument that I cried after both of my moots. But now it's my favorite part of the job."



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— Lisa Blatt
Partner, Arnold & Porter LLP

Blatt appeared before the high court 27 times during her tenure in the office, which spanned six SGs and three administrations, but she eventually chafed under the constraints of government work and the office's gospel of "understated advocacy."

"I don't think anyone would describe me as an understated advocate," she says.

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Speaking Her Mind

More than anything else, Blatt says her 2009 transition into private practice was predicated on a hunger for the sorts of challenges that are hard to come by when you only represent one client and have all your cases handed to you.

In her five years heading up Arnold & Porter's appellate practice, Blatt has been able to direct her seemingly limitless energy toward cases about which she feel a passionate personal connection, none more so than last year's high court battle over adoption rights.

Adoptive Couple v. Baby Girl involved a bitter and emotionally taxing battle over efforts by the girl's father — a man of Cherokee descent who had abandoned the birth mother during pregnancy — to stymie adoption proceedings under the federal Indian Child Welfare Act, according to Blatt.

Blatt represented the adoptive parents and assembled an appellate dream team that included former Solicitors General Paul Clement and Greg Garre. Their 5-4 win ultimately saw the girl returned to the custody of the adoptive family, and established a precedent that will have a profound impact on

thousands of adoptions nationwide, Blatt says.

“It was a very important case to me as a woman, but it was absolutely gut-wrenching,” she says.

“Appellate lawyers typically have more of an emotional remove than trial lawyers, but I show up for the argument and the mother and the birth father and the adoptive parents are all there in the courtroom to watch as I make the case for who deserves to keep this baby.”

Irell & Manella LLP partner Brian J Hennigan witnessed Blatt’s energetic brand of advocacy firsthand when she took the podium before the Ninth Circuit earlier this year in a dispute over a juror’s exclusion from HIV drug trials on the basis of sexual orientation.

“She had the sort of active, open communication you get from a law school professor during the argument, and was able to convey her passion to the court without going over the line or losing her audience,” Hennigan says. “But she is definitely someone who speaks her mind. You never leave a meeting with her wondering if there’s something else she wanted to say.”

Blatt brings the same infectious passion for cases where the human element is less readily apparent — whether she’s sparring over state water rights or parsing the principles of litigation cost recovery — and says she has a particular ax to grind with what she describes as the government’s efforts to censor

pharmaceutical companies from talking about fully legal off-label uses of their drugs.

In the government, I couldn’t talk to reporters and couldn’t speak to the public, and now I just feel free. I have a First Amendment right again, and I exercise it daily.

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“It the kind of censorship that really gets my blood boiling,” she says. “The government has all their justifications and on and on ... but it’s just a matter of time before the First Amendment wins out, and I live for the day that happens.”

“That’s the best part of being in private practice, by the way: being able to say whatever I want,” she adds with a laugh. “In the government I couldn’t talk to reporters and couldn’t speak to the public, and now I just feel free. I have a First Amendment right again, and I exercise it daily.”

Paying It Forward

Over the last half-decade Blatt has fashioned Arnold & Porter’s appellate practice after her own personality, assembling a small, close-knit group of pros working in an environment she describes as incredibly informal.

She takes very seriously her role as a mentor, particularly for young women in the law, and tries to live by her newly adopted motto of “sending the elevator back down.”

“I would like to leave a legacy for women at this firm, and be a role model in the way Justice Ginsburg and others have been for me,” she says. “On a day to day basis, that means making sure any woman I work with has the opportunity to be as successful as possible, and never sells herself short like I did.”

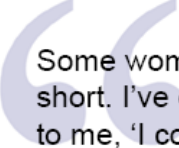
Blatt says she struggled for years with self-doubt and a willingness to allow others to define her,

problems she says too often keep young women from the confidence and ambition necessary to succeed at the highest levels.

“Some women tend to sell themselves short,” she says. “I’ve only ever had women say to me, ‘I could never argue in the Supreme Court!’ Do you think a man has ever said that to me? Of course not.”

And while Blatt may be an outlier in a field of law still dominated by white men, she is optimistic about the future. She notes that for the last 20 years there were virtually no women in the SG’s office — the primary training ground for members of the private appellate bar — but that office is now more than half female.

“It could still take some time, because those women need to come out and go into private practice, and private practice is a lot scarier,” she says. “But too often women who do this kind of work stay in government or the public defender’s office, where they’re literally doing the same work for less pay.”



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In addition to mentoring promising young female litigators wherever possible, Blatt spends much of her free time as a debate coach, bringing her no-holds-barred gospel of ambition and confidence to teenagers at an age when those hobbling insecurities are first taking root.

“For me, it’s all about channeling the mistakes I’ve made and just saying all the things I wish somebody had said to me,” she says. “I say to

boys as much as girls: You’ve got to hold your chest high, and no matter what, you don’t let the other side intimidate you.”

Law360's Appellate A-List is a regular feature presenting in-depth profiles of the nation's leading appellate litigators.

--Editing by Jeremy Barker.