



Latham's Samir Deger-Sen will make his Supreme Court debut March 28, 2023.
Latham & Watkins

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Latham Partner Takes Rarely Traveled Path to US Supreme Court

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By Kimberly Strawbridge Robinson

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Samir Deger-Sen accomplished a feat only a handful of attorneys can tout: He convinced the US Supreme Court to take up his case while a law firm associate.

The newly minted Latham & Watkins partner will make his Supreme Court debut on Tuesday in *Smith v. United States*, a pro-bono criminal case.

It's difficult for anyone, associate or partners, to get to the lectern with the justices' docket increasingly shrinking. Deger-Sen also notes the fierce competition for cases among the Supreme Court bar.

"So you just have to reach out broadly and wait and get lucky," he said.

Pro Bono

Pro bono is a common way for attorneys to get their first arguments in the circuit courts and the Supreme Court.

That's how Deger-Sen landed his first argument in the Seventh Circuit in 2018. Five years and 13 arguments later, it's how he'll be making his first trip to the Supreme Court lectern.

The case came to Latham in "a very unusual way," Deger-Sen said.

It was the client, Timothy Smith, who reached out to the firm. The Alabama software engineer was charged with hacking into a website that collects location data on artificial

reefs and sells the information for a hefty sum. Fisherman create the reefs to avoid over-fishing, and to develop private fishing spots.

Smith exposed the company on social media. He was convicted by a federal court in Florida where the company is located. But the US Court of Appeals for the Eleventh Circuit vacated that decision, saying Smith should have been tried in his home state.

The justices are weighing a technical question over the consequence of the government bringing the charges in the wrong courthouse.

Deger-Sen describes Smith as a "highly articulate person and avid court watcher" who identified a split among the federal appeals courts on the technical "venue" issue.

"It was incredibly fortunate that it just kind of came to us," Deger-Sen said.

Raise Your Hand

It wasn't just luck that landed Deger-Sen the case.

The London-native's resume includes a World University Debating championship, and degrees from Oxford and Yale Law School. He also clerked at all three levels of the federal judiciary, including the Supreme Court, for then-Justice Anthony Kennedy.

His parents immigrated to the UK via India and Turkey, and Deger-Sen came to the US for law school. From the start of his career, he hustled to create opportunities to argue in court.

“I always asked to do the argument” and “really stretched to take on an additional case even if I was really busy,” Deger-Sen said. “I was going to take every opportunity to argue.”

Elana Nightingale Dawson, who clerked with Deger-Sen at the Supreme Court and works with him at Latham, said it is important for associates looking to forge similar paths to build their own profile within the firm and be proactive about their careers.

“You have to be willing to raise your hand and put yourself in the position to be thought of for those opportunities,” she said. And then you have to be able to back that up with excellent work, Nightingale Dawson said.

“That’s how these opportunities are created,” she said. They “don’t just fall into your lap.”

Margaret Upshaw, an associate in Latham’s appellate group, said she’s trying to replicate how Deger-Sen has gone about creating argument opportunities.

Upshaw, who has argued a case in the Eleventh Circuit and hopes to make it to the high court lectern eventually, will be at the counsel’s table for *Smith*.

“I’m inching my way closer to the podium,” she said.

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