

Ganzfried Law

Jerrold J. Ganzfried



Education

Stanford Law School, J.D.
President, *Stanford Law Review*

Yale University, B.A., *cum laude*
Kilborne Fellowship
News Editor, *Yale Daily News*

Clerkship

Honorable Irving R. Kaufman,
Chief Judge, United States Court of Appeals for the Second Circuit

State Bar Admissions

District of Columbia
New York

Federal Bar Admissions

Supreme Court of the United States
U.S. Courts of Appeals
 Second Circuit
 Third Circuit
 Fourth Circuit
 Fifth Circuit
 Sixth Circuit
 Seventh Circuit
 Ninth Circuit
 Tenth Circuit
 Eleventh Circuit
 District of Columbia Circuit
 Federal Circuit
U.S. Tax Court
U.S. District Courts
 District of Columbia District
 Southern District of New York
 Eastern District of New York

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Bio

Jerry Ganzfried is the founder of Ganzfried Law.

A former Assistant to the Solicitor General in the Department of Justice, Jerry has argued 15 cases in the United States Supreme Court. In addition to his public service, Jerry's wide-ranging private practice at major law firms involved briefing and arguing appeals in federal and state courts across the country.

Throughout Jerry's career, major national and global companies have turned to him for their largest, most complex and sensitive cases. His extensive experience includes litigating a broad range of cases and arguing appeals for leading clients in technology, financial services, oil and gas, telecommunications, consumer products, pharmaceuticals, medical products and construction. He has served as counsel in many landmark antitrust, securities, intellectual property and constitutional law cases decided by the Supreme Court and the federal courts of appeals, including key precedents in trademark law, food and drug regulation, energy, the Commerce Clause, antitrust and administrative law.

During the most recent Term of the Supreme Court, Jerry served on the successful appellate team representing former Virginia Governor McDonnell, resulting in a unanimous opinion vacating criminal convictions. Jerry also filed amicus briefs in support of the prevailing parties in two important cases: one for the American Bar Association in a Sixth Amendment challenge to a pretrial order freezing assets; another for a group of law professors in a leading bankruptcy case.

Jerry's other recent engagements include the reversal on appeal of a judgment arising from a dispute in a \$100 million real estate transaction. He has won high profile appeals involving the savings and loan crisis, securities class actions, a contract/patent licensing dispute over cutting edge biotechnology, and one of the largest corporate tax cases ever reversed on appeal.

A recognized leader in the profession, Jerry was inducted as a Fellow of the American Academy of Appellate Lawyers in 2009. From 2010-2011, he served as Chair of the American Bar Association's Council of Appellate Lawyers, the only national bench-bar organization devoted to issues of appellate courts and practice. In 2015, Jerry received a Special Recognition Award from the National Association of Attorneys General. Consistent with his dedication to public and community service, Jerry has also maintained a strong commitment to pro bono representation.

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Professional Experience

Holland & Knight, LLP	Partner
Howrey & Simon (and successor firms)	Partner Chair, Supreme Court and Appellate Practice
U.S. Department of Justice Sullivan & Cromwell	Assistant to the Solicitor General Associate

Honors & Awards

Martindale-Hubbell AV Preeminent Peer Review Rated
National Association of Attorneys General, Special Recognition Award, 2015
Washington, DC *Super Lawyers*, 2012-2017
Yale Alumni Fund, Chairman's Award, 2007

Professional and Community Service Highlights

American Academy of Appellate Lawyers, Membership Committee, 2016-present.
American Bar Association Council of Appellate Lawyers, Judicial Division Appellate Judges Conference: Chair, 2010-2011; Founding Member, Executive Committee; Chair of Program Committee; Secretary.
Appellate Judges Education Institute, Board of Directors, 2010-2011.
Appellate Practice Institute, Steering Committee and Faculty Member, 2009, 2011.
District of Columbia Bar CLE Program, Faculty Member, 2000-present.
DRI – The Voice of the Defense Bar, Amicus Committee Chair, 2012-2014.
Edward Coke Appellate American Inn of Court, Master of the Bench.
National Foundation for Judicial Excellence, Program Committee, 2010-2011.
Stanford Law Society of Washington.
Yale Alumni Fund, Board of Directors, 1998-2012; Executive Committee, 2006-2012.
Yale Club of Washington, DC.
BCC Baseball, Inc., former member, Board of Directors.
Landon Fathers' Club, former President.

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Selected Cases

Jefferson Parish Hospital District No. 2 v. Hyde. Mr. Ganzfried argued this landmark antitrust case in the U.S. Supreme Court. The case set the standard and analytical framework for assessing tying arrangements under the Sherman Act.

Maine v. Taylor. Mr. Ganzfried successfully argued this leading Commerce Clause case in the U.S. Supreme Court. The case involved a state environmental statute designed to protect in-state waterways.

O'Connor v. United States. Mr. Ganzfried presented the oral argument for the prevailing party in this tax case that presented issues of international treaty interpretation.

DHL Corp. v. CIR. As lead appellate counsel, Mr. Ganzfried argued a large corporate tax case involving transfer pricing and trademark valuation issues that resulted in the reversal by the Ninth Circuit of a Tax Court judgment exceeding \$100 million.

Fifth Third Bank v. United States. Mr. Ganzfried obtained the reversal of an adverse trial court ruling in a *Winstar*-related case arising from the crisis in the savings and loan industry. The Federal Circuit held that Fifth Third had established the government's liability for breach of contract. As lead appellate counsel following the damages trial, Mr. Ganzfried obtained affirmance of a \$76.5 million judgment.

Mitsubishi Motors Corp. v. Soler Chrysler-Plymouth, Inc. Mr. Ganzfried argued a seminal Supreme Court case on international arbitration of antitrust issues. The case played a pivotal role in the development of international arbitration as a viable dispute resolution alternative.

In re Digital Island Securities Litigation. Mr. Ganzfried argued for the prevailing defendants in an important securities class action appeal. The Third Circuit's often-cited decision resulted in dismissal of all claims with prejudice.

Cook Inc. v. Boston Scientific Corp. Mr. Ganzfried served as lead appellate counsel in the Seventh Circuit in a breach of contract/patent licensing case involving cutting edge biotechnology (drug-eluting stents). (cont.)

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Selected Cases (cont.)

Litton Industries v. Honeywell. Mr. Ganzfried served as lead appellate counsel and presented oral argument in the Ninth Circuit in the largest single plaintiff/single defendant antitrust judgment in U.S. antitrust history. The case was settled while the appeal was pending.

Ruckelshaus v. Monsanto. Mr. Ganzfried was counsel in this important regulatory case that upheld the constitutionality of the federal pesticide registration program.

Thomas v. Union Carbide. Mr. Ganzfried served as counsel in this environmental law case adjudicating the constitutionality of the arbitration/compensation provisions of the Federal Insecticide, Fungicide and Rodenticide Act.

Warner-Jenkinson Co. v. Hilton Davis Chemical Co. Mr. Ganzfried filed an amicus brief in a historic Supreme Court case analyzing patent infringement under the doctrine of equivalents.

Stoneridge Investment Partners v. Scientific Atlanta. Mr. Ganzfried filed a Supreme Court amicus brief in support of the prevailing party in this major case in the field of securities law.