

Supreme Court Rookie Scores With Lexmark Ruling

By Jan Wolfe

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Tuesday's unanimous U.S. Supreme Court decision in *Lexmark International Inc. v. Static Control Components Inc.* didn't just expand the ranks of companies with standing to bring Lanham Act false advertising claims. It also vindicated Static Control's decision to let a young, relatively untested lawyer handle the oral argument.

As *The National Law Journal's* Tony Mauro reports, the high court's ruling came in a bitter legal battle between two companies involved in the selling of replacement printer cartridges. Affirming the U.S. Court of Appeals for the Sixth Circuit, the justices ruled 9-0 that Static Control can proceed with claims that Lexmark engaged in false advertising by telling Static Control's customers that its business model is illegal. More significantly, the justices ushered in a new approach to so-called prudential standing that is expected to make it easier for companies that aren't in direct competition to bring Lanham Act claims.

In other words, the attorney who delivered the winning arguments, Jameson Jones of the Denver office of Bartlit Beck Palenchar Herman & Scott, knocked this one out of the park. Just as impressive is that prior to last December's oral argument, the 32-year-old Jones had never handled an appellate argument at all, much less at the Supreme Court. He made partner at Bartlit Beck only last year.

Seth Greenstein of Constantine Cannon, a seasoned advocate, successfully argued for Static Control at the U.S. Court of Appeals for the Sixth Circuit. But when it came time to make the company's case to the Supreme Court, Static Control turned to Jones. Despite his tender age, Jones brought certain intangibles to the

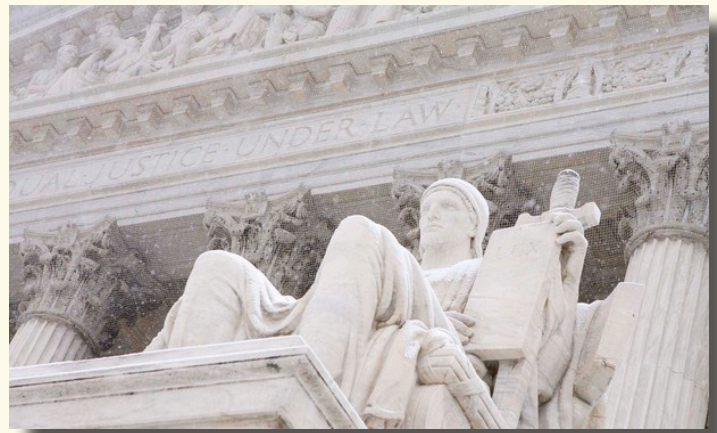


table. Before joining Bartlit Beck he clerked both for a Sixth Circuit judge and for Justice Antonin Scalia, who wound up writing Tuesday's opinion siding with Static Control. And he knew the client and the case well, having worked on it as an associate.

While he'd never argued before an appeals court, Jones had plenty of experience arguing key motions at the trial court level for one of his firm's longtime clients, Bayer Corp. He said Bartlit Beck is known for giving young attorneys opportunities to work on big trials, which is one reason he opted to launch his career at the boutique firm rather than an established Washington appellate shop.

"From my clerkship, I knew how to write an appellate decision. I also thought that I could write an appellate brief. What I couldn't do was take a deposition," Jones told us. "I heard about this firm Bartlit Beck that hires Supreme Court clerks and lets them work on big trials, and I decided that was the most valuable opportunity for me."