

Haynes Boone's Supreme Court Practice Secures SCOTUS Review in High-Stakes Bankruptcy Case

January 24, 2022 Daniel Geyser, Ben Mesches, Angela Oliver

PRACTICES Bankruptcy Litigation, Appellate, U.S. Supreme Court, Litigation, Restructuring

On Jan. 10, 2022, the U.S. Supreme Court granted cert. in *Siegel v. Fitzgerald* (No. 21-441), which involves the constitutionality of a 2017 federal law increasing the quarterly trustee fees in Chapter 11 bankruptcies. The issue affects virtually every major corporate bankruptcy filed or pending in the first nine months of 2018, with over \$324 million at stake for debtors and creditors nationwide.

The case, arising out of the bankruptcy of defunct retailer Circuit City Stores, Inc., promises to be a landmark decision on the meaning of the uniformity provision of the Constitution's Bankruptcy Clause.

Haynes Boone Partner [Dan Geyser](#), chair of the [U.S. Supreme Court Practice](#), will argue the case in April on behalf of Alfred Siegel, the trustee of the Circuit City Liquidating Trust. Siegel is also represented by Haynes Boone Appellate Partner [Ben Mesches](#), co-chair of the firm's [Litigation Practice Group](#), together with Kelli Bills and [Angela Oliver](#), two key members of the firm's Appellate Practice. The Haynes Boone team is joining forces with a talented team from [Pachulski Stang Ziehl & Jones](#) LLP, one of the nation's leading corporate-restructuring boutiques, who handled the case below.

The issue is being closely tracked by bankruptcy stakeholders nationwide, and the High Court's decision to review the fee issue has received wide media coverage, including in [Law360](#) and [Reuters](#).

The Circuit City case will mark Dan's second oral argument of the Supreme Court's current term. In November 2021, he argued [Badgerow v. Walters](#), another key business case dictating the power of federal courts to confirm or vacate arbitration awards under the Federal Arbitration Act, an issue affecting potentially thousands of disputes each year. Dan convinced the Supreme Court to take up that case in May 2021.

Dan is among a small group of highly experienced lawyers who regularly handle significant cases in the U.S. Supreme Court. He recently had three cert. petitions granted in a 12-month period (a feat matched by few global firms), and personally handled over 5% of the Court's merits docket in OT 2018. In the past half-decade, Dan ranks among the top five lawyers nationwide for total Supreme

Court arguments in private practice, notching “rare victor[ies]” (*SCOTUSblog*, 2021) and “huge win[s]” (*Reuters*, 2019) in cases that industry experts said could not be won.

Haynes Boone’s Supreme Court Practice is supported by the firm’s Appellate Practice Group, which was rated Band 1 in Texas in *Chambers USA 2021*, with market sources praising the team’s eight, Chambers-ranked appellate lawyers: “Their attention to detail is truly remarkable, and they are some of the best critical thinkers I have ever encountered.”

Haynes Boone is an international corporate law firm with offices in Texas, New York, California, Charlotte, Chicago, Denver, Washington, D.C., London, Mexico City and Shanghai, providing a full spectrum of legal services in energy, technology, financial services and private equity. With 600 lawyers, Haynes Boone is ranked among the largest U.S.-based firms by *The National Law Journal*, *The American Lawyer* and *The Lawyer*. It was recognized for excellence in the BTI Consulting Group’s 2021 “A-Team” report, which identifies the law firms that in-house counsel commend for providing superior client service.