Sungaila in Law360 on New U.S. Supreme Court Term

October 2, 2017

RELATED PRACTICES Appellate

Restored to a full bench, the U.S. Supreme Court is wasting no time jumping into the middle of several potentially game-changing cases, and this month's slate of oral arguments promises a series of high-profile clashes between some of the top appellate heavyweights around, *Law360* reported in a preview of the high court's new term.

Emerging as the clear headliner is *Gill v. Whitford*, which centers on whether state redistricting plans that give one political party an advantage over another in state elections are constitutional, *Law360* reported. It's followed by *National Labor Relations Board v. Murphy Oil*, a consolidated case dealing with the enforceability of worker arbitration agreements with class waivers. …

The employment arbitration dispute also has drawn intrigue because it has turned into a game of musical chairs with the mix of attorneys involved. The NLRB and the Justice Department were initially aligned in opposing class waivers in employment pacts, but after Donald Trump took the White House, the DOJ switched sides to back the employers defending them, setting up an unusual standoff with the NLRB.

Seasoned Supreme Court litigators Neal Katyal of Hogan Lovells US LLP and Kannon Shanmugam of Williams & Connolly LLP were expected by some to toss a coin to see who would argue on behalf of the employers, but instead, the parties in September roped in another attorney for the job: Kirkland & Ellis LLP's Paul Clement.

"Asking Paul Clement to come in and be a last-minute advocate when he did not appear as counsel on the briefs — and other fine high court advocates did — is an interesting choice," said Mary-Christine Sungaila, a Haynes Boone appellate partner who has filed amicus briefs on behalf of the International Association of Defense Counsel in favor of the employers. …

Excerpted from *Law360*. To read the full article, click here.

© 2026 Haynes and Boone, LLP