



Portfolio Media, Inc. | 860 Broadway, 6th Floor | New York, NY 10003 | www.law360.com
Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@portfoliomedia.com

Rising Star: Morgan Lewis' R. Ted Cruz

By Hilary Russ

Law360, New York (April 05, 2010) -- By his mid-30s, Morgan Lewis & Bockius LLP's R. Ted Cruz had already argued eight cases before the U.S. Supreme Court — including the Texas congressional redistricting case — the most of any Texas attorney ever, helping land him on Law360's list of the top 10 appellate attorneys under 40 to watch.

If you've never heard of Cruz, you likely soon will. At 39, he's built a record of achievement out of his family's struggle to survive and created a body of work that would be impressive for someone decades older.

"He brings to the practice a gravitas and a calm and credible approach that really belies his years, but at the same time he's a fresh voice," said Jami Wintz McKeon, leader of the firm's litigation practice.

When he was solicitor general of Texas from 2003 to 2008, Cruz — the first Hispanic to hold that post — authored more than 70 Supreme Court briefs and presented 34 appellate court arguments.

When he was appointed to the job, he was the youngest solicitor general in the U.S., and he's stayed on the path of youthful overachievement since then. Now, he's argued 36 cases altogether — and lost six, he says.

"For somebody under 40 to be playing in that league ... it's really almost a unique accomplishment," McKeon said.

He's perhaps best known for *Medellin v. Texas* in the Supreme Court. In that case, he convinced justices to rule that decisions of the World Court, the judicial arm of the United Nations, are not binding on the U.S. justice system.

The court also found in the 6-3 ruling that the U.S. president can't order state courts to obey the World Court.

"It was a remarkable case. It raised foundational questions of separation of power and federalism that come along every couple decades," Cruz said.

Cruz also won *Van Orden v. Perry* before the U.S. Court of Appeals for the Fifth Circuit and then the Supreme Court. In that case, he defended the constitutionality of the Texas Ten Commandments monument, winning 5-4.

"I would be the first to admit there was a degree of serendipity in having such remarkable cases coming along year after year," he said.

Cruz says he is inspired to push ahead with his work because of his father, who fled from Cuba to the U.S. in 1957 when he was 18 with \$100 his grandmother sewed into his pocket.

His father, who fought against former dictator Fulgencio Batista in Fidel Castro's revolution, was detained by Batista's troops and beaten nearly to death, Cruz said.

"Being the son of an immigrant who came here fleeing oppression and seeking freedom, I think, is an incredible gift," Cruz said. "It makes you deeply appreciative of the miracle of freedom that we enjoy in this country."

Cruz came to Morgan Lewis in 2008 and leads its U.S. Supreme Court and national appellate litigation practice.

At the firm, he successfully represented FedEx Home Delivery against the National Labor Relations Board in the District of Columbia Circuit on the issue of whether truck owner-operators are independent contractors or employees.

"What's exciting about the latest chapter is building a national team, a national practice," he said of the roughly 30 attorneys in the group and some recent special recruits. "The firm as a whole has been extremely supportive."

Cruz received his bachelor's degree, cum laude, from Princeton University, where he was the nation's top-ranked debater. He earned his law degree, magna cum laude, from the Harvard Law School in 1995.

He clerked for Judge J. Michael Luttig in the Fourth Circuit and later Chief Justice William H. Rehnquist, at whose funeral Cruz was a pallbearer.

Cruz counts both men as mentors — something he says is critical to succeeding as a lawyer.

Other mentors include founders of what was then Cooper & Carvin, a tiny, new boutique firm in Washington.

"It was baptism by fire," he said. "I argued my first case in the Federal Court of Appeals representing Ford Motor Co. in a \$10 million appeal. They sent me up there as a baby associate to argue. We won unanimously."

He later served as associate deputy attorney general at the U.S. Department of Justice. From 1999 to 2000 he was domestic policy adviser to President George W. Bush on the Bush-Cheney 2000 campaign.

Cruz was part of Bush's legal team in its successful challenge of the controversial Florida vote recount cases in the contested 2000 presidential election.

From 2001 to 2003, he was director of the Office of Policy Planning for the Federal Trade Commission.

Cruz's style as a litigator reminds some attorneys in the Supreme Court bar of current Chief Justice John G. Roberts, McKeon said.

"He doesn't engage in hyperbole," she said of Cruz. "He really rolls up his sleeves and works. He finds ways to win difficult cases. He's effective and persuasive."

It's a comparison Cruz would likely relish, as he scrutinized Roberts' style when he used to argue cases after Rehnquist told him that Roberts was "the best U.S. Supreme Court litigator alive."

"The more shrill opposing counsel gets, the more reasonable I try to be," Cruz said.