

Rising Star: Mayer Brown's Daniel E. Jones

By Andrew Westney

Law360 (July 8, 2020, 5:04 PM EDT) -- Daniel E. Jones of Mayer Brown LLP has had a prominent role in writing key briefs in several high-profile U.S. Supreme Court and circuit court cases, including the high court's landmark 2016 Spokeo decision, earning him a place as one of the appellate practitioners under age 40 honored by Law360 as Rising Stars.

WHY HE'S AN APPELLATE ATTORNEY:

Jones said that like many other appellate litigators, he was first attracted by the intellectual aspects of the field.

"I've always enjoyed and been motivated by the actual craft of brief writing, and turning what are often very complex factual and legal scenarios into a presentation that will be persuasive to a generalist judge," Jones said.

He added that his clerkship with U.S. Circuit Judge Stanley Marcus of the Eleventh Circuit — following a brief early stint as a Mayer Brown associate — "really cemented my love for appellate litigation."

While Jones concentrates on defending class action suits, he finds himself exploring areas of the law "that cut across all kinds of cases," such as Article III standing, personal jurisdiction, the enforceability of arbitration agreements and how class certification requirements work, he said.

"Even within the 'class action space,' there's a tremendous variety of important and cutting-edge issues that we get to work on for our clients," he said.

HIS BIGGEST CASE:

Jones tackled the first drafts of briefs as part of the Mayer Brown team representing Spokeo Inc. before the Supreme Court, earning a blockbuster decision that a bare statutory violation does not



Daniel E. Jones
Mayer Brown

Age: 36
Home base: Washington, D.C.
Position: Partner
Law school: University of Chicago Law School
First job after law school: Mayer Brown litigation associate

satisfy the injury-in-fact requirement of Article III of the U.S. Constitution.

The high court held in the May 2016 ruling that consumer Thomas Robins could not sue the company for mere technical violations of the Fair Credit Reporting Act, but had to allege concrete harm.

Jones said the case "involved basically synthesizing dozens and dozens of Supreme Court and lower cases that have talked about Article III standing, but also bringing in historical sources from the founding period, English common law tradition and combining all of that together, as well as thinking through the practical consequences of what the approach would be and what makes sense for our client."

The Spokeo ruling was "one of the most significant wins for the defense bar in recent years," according to the firm, and "has led to hundreds of dismissals of putative class actions alleging harmless, technical violations under a broad range of statutes."

A MORE RECENT WIN:

Jones was the main drafter of lighting retailer [Lamps Plus Inc.](#)'s petition and merits briefs that saw the Supreme Court rule that workers aren't allowed to invoke class arbitration unless their arbitration agreements explicitly call for it.

The high court's April 2019 decision in favor of Lamps Plus overturned a Ninth Circuit ruling that would have allowed worker Frank Varela's data breach class arbitration to move forward under the Federal Arbitration Act.

Jones said that when it comes to writing a successful Supreme Court petition, there is "definitely no formula and no guarantee" and "it's always an uphill battle," but the Lamps Plus petition successfully targeted class arbitration issues with broad importance, including the principle that the FAA is meant to protect individual arbitration.

HOW HIS PRACTICE WILL CHANGE IN THE NEXT 10 YEARS:

Jones said that one trend he's seeing already and expects to grow in the years ahead is the use of appellate lawyers at the trial level, as clients see the value in employing appellate attorneys able to frame issues clearly for judges as well as preserve arguments for appeal.

He added that he anticipates appellate specialists "will become even more specialized," as he's seen in his own practice, with class action and arbitration issues present across much of his work.

"Clients appreciate that they have someone living and breathing these issues working on these cases, and [who] is really familiar with what's going on in that area," Jones said.

— *As told to Andrew Westney*

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2020 Rising Stars winners after reviewing more than 1,300 submissions. Attorneys had to be under 40 as of April 30, 2020, to be eligible for this year's award. This interview has been edited and condensed.