

PARTNER

Scott E. Gant

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PROFILE

During more than two decades as a litigator, Scott has built a diverse practice with particular focus and deep experience in complex commercial litigation, class actions, antitrust, intellectual property, and constitutional law. He represents plaintiffs and defendants, at both the trial and appellate levels (including before the U.S. Supreme Court). Scott strives to help clients achieve the best possible outcomes through a combination of creativity, original thinking, tenacity, and a commitment to excellence in both written and oral advocacy.

While maintaining a busy litigation docket, Scott has taught a constitutional law seminar at Georgetown Law School as an adjunct professor, and actively writes on a range of legal issues. In addition to his scholarly articles published in law reviews, Scott's opinion pieces have appeared in *The Wall Street Journal*, *Washington Post*, *Los Angeles Times*, *Christian Science Monitor*, *Forbes*, *Huffington Post*, *Salon*, and *Wired*. His book, *We're All Journalists Now: The Transformation of the Press and Reshaping of the Law in the Internet Age*, was published by Simon & Schuster's Free Press. He has also arbitrated attorney-client fee disputes for more than 20 years for the District of Columbia Bar's Attorney/Client Arbitration Board.

Scott is co-leader of the Class Actions, Opt-Outs, and Multidistrict Litigation practice group.

EXPERIENCE

Scott's significant litigation matters include:

Supreme Court of the United States



PRACTICES ×

Antitrust and Competition
Appellate
Class Actions
Intellectual Property
Financial Institutions and Private Funds
Media and First Amendment
Constitutional Law
Aerospace and Satellite

EDUCATION ×

Harvard Law School, J.D., *cum laude*
Wesleyan University, B.A., *with honors*

ADMISSIONS ×

Bars

District of Columbia

AWARDS AND ASSOCIATIONS ×

Lawdragon's 500 Leading Plaintiff Financial Lawyers (2023)
Lawdragon 500 Leading Litigators in America

CLERKSHIPS ×

Hon. Anthony J. Scirica, U.S. Court of Appeals: Third Circuit

- Successfully petitioned for certiorari, and briefed and argued the merits, in *Patchak v. Zinke* (separation of powers)
- Briefed and argued the merits in *Rotkiske v. Klemm* (statute of limitations under the Fair Debt Collection Practices Act)
- Successfully briefed the merits in *Cassirer v. Thyssen-Bornemisza Collection Foundation* (Foreign Sovereign Immunities Act)
- Successfully opposed petition for certiorari in *The North American Mission Board of the Southern Baptist Convention, Inc. v. McRaney*, after eight Fifth Circuit judges called for rehearing en banc, and despite numerous amicus briefs supporting petitioner, including briefs from leading professors and sixteen states (Free Exercise)
- Counsel for Respondent in *Friends of the Earth v. Laidlaw* (constitutional standing)
- Represented former Chief Justices of Texas and Alabama as amici curiae in *Yulee-Williams v. Florida Bar*, opposing a First Amendment challenge to Florida's rule prohibiting judicial election candidates from personally soliciting campaign contributions
- Represented members of Congress as amici curiae in the landmark Second Amendment case, *District of Columbia v. Heller*

Litigation Representing Defendants

- Represented HSBC-Hong Kong as a creditor in bankruptcy proceedings concerning the China Fishery Group, including an adversary proceeding against HSBC-Hong Kong, asserting claims under Peruvian, Hong Kong, and U.S. law
- Trial victory defending journalists Sir Harold Evans and Tina Brown against claims by the bankruptcy estate trustee for a former financial advisor
- Dow Chemical during a month-long jury trial in a federal antitrust class action alleging price-fixing, and in post-trial proceedings
- Obtained dismissal of claims against executives and employees of Corrective Education Company, in a putative class action asserting RICO claims
- Obtained summary judgment at the district court, and affirmance in the Eleventh Circuit, for Delta Air Lines in an antitrust case brought by a class of customers alleging an unlawful agreement to impose bag fees
- Successfully defended Duke, Emory, Georgetown, Harvard and USC against Sherman Act and RICO claims that their law schools conspired with bar exam preparation company BarBri to stifle competition for classes targeting foreign L.L.M. graduates

- Successfully defended Georgetown University against claims brought by District of Columbia mayoral candidate challenging exclusion from debate
- Successfully defended Amazon.com against patent infringement claims
- Successfully defended DuPont and Pioneer Hi-Bred in nearly 20 federal and state class actions concerning the sale of genetically modified seeds

Litigation Representing Plaintiffs

- Representing large group of direct action plaintiffs, including US Foods, Target, and Campbell Soup, in an antitrust case concerning broiler chickens—and serving as co-Liaison Counsel for all direct action plaintiffs
- Representing client as direct action plaintiff in antitrust cases concerning pork and beef
- Representing General Electric as direct action plaintiff in an antitrust case concerning rail freight transportation
- Represented Sysco, Target, and US Foods as direct action plaintiffs in an antitrust price-fixing case concerning packaged tuna
- Served as co-lead counsel for class plaintiffs in an antitrust case asserting Section 1 claims against the leading providers of contact lenses for sale online (\$40 million in settlements)
- Served as co-lead counsel for class plaintiffs in an antitrust case concerning price-fixing of municipal derivatives (\$220 million in settlements)
- Served as co-lead counsel for class plaintiffs in an antitrust and patent case concerning purchases of an enzyme critical for replicating DNA (\$33 million settlement)

PUBLICATIONS & PRESENTATIONS

How the Senate Could Still Convict Donald Trump, The National Law Journal (2021)

A Realistic Alternative to the Electoral College, Jurist (2021) (co-authored)

The Hart-Scott-Rodino Act's First Amendment Problem, Cornell Law Review (with Andrew Michaelson and Ted Normand) (2017)

"Self-Regulation and an Independent Judiciary," in *The Politics of Judicial Independence* (Johns Hopkins University Press 2010)

We're All Journalists Now: The Transformation of the Press and Reshaping of the Law in the Internet Age (Free Press 2007)

Debate, Congress's Power To Compel the Televising of Supreme Court Proceedings, 156 *University of Pennsylvania Law Review* PENnumbra 46 (2007)

Missing the Forest for a Tree: Unpublished Opinions and New Federal Rule of Appellate Procedure 32.1, 47 Boston College Law Review 705 (2006)

The Contagion of Constitutional Avoidance, 22 Constitutional Commentary 497 (2005)

The Law of Unintended Consequences: Supreme Court Jurisdiction Over Interlocutory Class Certification Rulings, 6 Journal of Appellate Practice and Process 249 (2004)

Presidential Inability and the Twenty-Fifth Amendment's Unexplored Removal Provisions, 1999 Michigan State University Law Review 791 (1999)

The Twice and Future President: Constitutional Interstices and the Twenty-Second Amendment, 83 Minnesota Law Review 565 (1999) (co-authored with Bruce G. Peabody)

Bajakajian and Excessive Fines Claims Against the United States, 8 Federal Circuit Bar Journal 39 (1999)

Judicial Supremacy and Nonjudicial Interpretation of the Constitution, 24 Hastings Constitutional Law Quarterly 359 (1997)

Musings on a Constitutional Mystery: Missing Presidents and 'Headless Monsters'?, 14 Constitutional Commentary 83 (1997) (co-authored with Bruce G. Peabody)

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