

They've Got Next: **The 40 Under 40**40
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Parker Rider-Longmaid

Age: 40

Law Firm: Skadden, Arps,
Slate, Meagher & Flom

Practice Area: Appellate

Title: Partner

Location: Boston

Law School: University of
Pennsylvania Law School

Parker Rider-Longmaid of Skadden, Arps, Slate, Meagher & Flom

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Please describe two of your most substantial, recent wins in practice.

I'm proud of the continued significance of our incredible team's Supreme Court victory in *Reed v. Goertz* on behalf of Rodney Reed, a Texas death-row inmate and pro bono client who has long maintained his innocence. Our briefing and my oral argument convinced the court that our longtime pro bono client's 42 U.S.C. § 1983 suit seeking DNA testing of crime-scene evidence was timely. The majority's opinion made that conclusion seem obvious—a testament to our team's efforts to streamline complicated jurisdictional and merits issues into concise and straightforward arguments. The decision keeps the courthouse doors open for inmates with innocence claims seeking DNA testing. Our victory laid the legal foundation for the Supreme Court to rule for another prisoner seeking DNA testing in *Gutierrez v. Saenz*.

In *FS Credit Opportunities Corp. v. Saba Capital Master Fund Ltd.*, I helped lead Supreme Court briefing and strategy and second-chaired oral argument. We convinced the court to hold 6-3 that Section 47(b) of the Investment Company Act of 1940 doesn't contain an implied private right of action for violations of the ICA. The decision neutralizes a tool used by activist investors and is a significant win for the registered fund industry. The decision also reaffirms the court's commitment to textualism over legislative history—a win for businesses seeking certainty on many issues. By collaborating with lawyers at Skadden, other firms, and the funds, we were able to anticipate and preemptively address the justices' concerns. Seeing the court write an opinion that closely tracked our arguments is very rewarding.

What is the most important lesson you learned as a first-year attorney and how does it inform your practice today?

There is no substitute for experience, mentorship, and collaboration. Oftentimes the best legal arguments come not only from rigorous research and analysis but from creative thinking from different and experienced viewpoints. It always helps to seek insight from others. In my practice, I take advantage of the wealth of experience available at Skadden in virtually every area of the law to best serve the needs of the client. And that makes the work much more fun, too.

How do you define success in your practice?

Success in my practice means working relentlessly to achieve the best possible outcomes for all clients, both paying and pro bono. Appellate law involves complicated legal questions that typically defy simple explanations. I enjoy writing and drafting arguments to make the answer

to the question at hand appear as clear as possible. It's a privilege to work on meaningful issues that matter a lot to clients. Success is thinking strategically to present the most compelling arguments in the most persuasive way. It also means advising clients the whole way through and helping them understand the strengths and weaknesses of the position and the law more broadly. All of that is what gives clients the best shot at a positive outcome and the best shot at understanding their situation and the ultimate decision of the court. As a former teacher, I also define success as being a good mentor for the next generation of appellate lawyers. I spend many hours a week working with more junior attorneys on every aspect of the appellate craft, from bigger-picture thinking to the more precise word choice. I help the attorneys I mentor lead and argue their own appeals and am just as proud of their successes in the courtroom as I am my own.

How would more junior lawyers on your team describe your leadership style?

Leading by example, teaching, and inspiring. First, I strive to maintain high standards of excellence, from written briefs and oral advocacy to responsive client service and collaboration with other attorneys. We rework outlines and drafts until we get both the concepts and the articulation just right; we prepare for oral argument until we can recite the law and record support chapter and verse. Second, I have a teacher's philosophy (and was one before law school). I want our associates to understand our approach and improve their craft, and I invest many hours reviewing drafts and mentoring them through their own pro bono briefing and argument opportunities. The teaching mindset helps with any audience, including courts—how do you explain something effectively at the right level of generality in the time allotted? Finally, I try to inspire—here is why we do what we do, and how we can do better.

Who is your greatest mentor in the law and what have they taught you?

My greatest mentor is Shay Dvoretzky, whom I worked with for several years before he brought me on board to help launch Skadden's Supreme Court and Appellate Practice five years ago. Since we began working together, Shay has taught me how to craft the most logical and persuasive arguments and make them convincing by contextualizing them within a compelling narrative. He has been both a constant source of guidance and a key proponent of my career. I am privileged to continue working as his partner to continue growing Skadden's appellate practice. One particularly meaningful matter we worked on together was representing the Navajo Nation before the Supreme Court in consolidated cases regarding the United States' duties under its 1868 treaty with the Navajo. Although we lost 5-4, the court held that the Navajo have the right to "necessary water to accomplish the purpose of the Navajo Reservation." It was an honor to work with Shay to combine top-notch advocacy with vigorous pursuit of justice. I have been fortunate to have worked with and learned from Shay since I finished clerking. I have now argued before the Supreme Court and second-chaired a dozen Supreme Court arguments for Shay, plus many court of appeals arguments. Those experiences have made me a much better lawyer and helped to shape the opportunities I have today.

What are you most proud of as a lawyer?

I'm most proud of the good I've been able to do. I'd focus in particular on leading a team from Skadden, the Innocence Project, and other law firms, delivering oral argument and securing a Supreme Court victory on behalf of

Texas death-row inmate Rodney Reed, who continues to claim his innocence. The cert petition sought review of whether the statute of limitations for a Section 1983 claim seeking DNA testing of crime-scene evidence begins to run at the end of state court litigation denying testing, including any appeals, or the moment the state trial court denies DNA testing, despite any subsequent appeal. I spearheaded an amicus effort resulting in nine merits-stage briefs supporting Mr. Reed. I then led the team's arguments that the statute of limitations begins to run at the end of state court litigation. The Supreme Court agreed. Justice Kavanaugh authored the 6-3 majority opinion, joined by Chief Justice Roberts and Justices Sotomayor, Kagan, Barrett, and Jackson. (In March, the Supreme Court declined to hear Mr. Reed's appeal regarding post-conviction DNA testing, over a dissent by Justice Sotomayor joined by Justices Kagan and Jackson.) I continue to represent Mr. Reed. We continue to seek relief before the Court of Criminal Appeals of Texas, and we won't give up.

Tell us more about your most impactful pro bono work. How did it make you a better lawyer?

I've been privileged to handle many pro bono matters, including representing Holocaust survivors and the Navajo Nation before the Supreme Court. Our teams have won cases related to combating racial discrimination, protecting criminal defendants' constitutional rights, preserving avenues for advancing innocence claims, and reducing unwarranted criminal sentences. I recently led a team to successfully oppose a US solicitor general cert petition in *United States v. Carter* arguing that race is never relevant to the Fourth Amendment seizure analysis of whether a reasonable person would have felt free to end a police encounter. Given the grant rate for government petitions and the significance of the issue, that was a huge win. Pro bono work has energized me and helped me build my skills early on. For those reasons, I encourage our associates to take on pro bono work giving them leadership opportunities, and I enjoy mentoring them when they do.

Tell us your two favorite songs on your summer music playlist.

I'm going to answer this a little unconventionally. First, songs from the a cappella group Straight No Chaser, because my son and I have discovered them together and love their performative energy, diversity, and encouragement to be yourself. We got to see them perform live this summer and meet them, and we were blown away. Second, birdsongs—get out in nature!