

How I Made Practice Group Chair: 'You Need To Be Able To Build Strong Relationships,' Says Shay Dvoretzky of Skadden, Arps, Slate, Meagher & Flom

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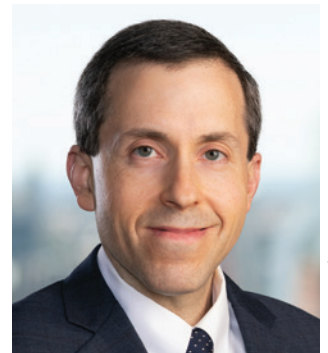
How many years have you been at your firm?

I joined Skadden almost three years ago, at the end of 2020, energized by the chance to launch a Supreme Court and Appellate Litigation practice at a preeminent global law firm. It's been a rewarding and exciting experience: the Supreme Court has already granted cert in two of our practice's cases for this Term, on top of six other merits cases we've handled since launching; we've added talented appellate lawyers to our team; and we've won major cases for Skadden clients in the Supreme Court and appellate courts nationwide. We hit the ground running and are excited about our trajectory.

What made you pick your practice area? I think many appellate lawyers would say they like reading and writing about complex legal issues. While

that's true for me, too, my experience before law school as a management consultant also drove my interest in appellate law. One of my favorite parts of management consulting was the chance to learn about different business models. I get to do that as an appellate lawyer, too.

We handle cases for a diverse array of clients and about incredibly varied issues. For example, our recent matters include Supreme Court cases about the Navajo Nation's access to water on its Reservation; the First Step Act's safety valve for nonviolent drug offenders, and whether due process requires a post-seizure hearing when the government seizes property in civil forfeiture proceedings; an en banc Eleventh Circuit case about Article III standing, the first to apply the Supreme Court's ruling in *TransUnion LLC v. Ramirez* (2021); DC Circuit appeals involving the Federal Sovereign Immunities Act and challenges to administrative agency action; antitrust and arbitration appeals



Shay Dvoretzky, the head of the Supreme Court and appellate litigation group at Skadden, Arps, Slate, Meagher & Flom.

Courtesy photo

across the country; and complex tax appeals with large sums at stake. An appellate practice consistently presents varied challenges and the chance to learn about different organizations as well as legal issues.

How did you develop your expertise in your practice area? Clerking was instrumental. It not only expanded the universe of professional possibilities for me, but also showed me how much I enjoyed appellate work. Beyond my clerkship, I worked hard as a young lawyer to read and observe as much as I could. I read Supreme Court briefs and opinions, listened to oral arguments, and devoted myself to learning from senior lawyers on my case teams and the talented advocates that we worked against. There are lots of different ways to brief and argue the same case, and advocates write, argue, and operate in their own styles. I didn't try to emulate any one person, but I kept my eyes open and figured out what worked best for me.

Why did you want to become a practice area leader? I wanted to lead a Supreme Court and Appellate practice because, in addition to the substantive legal work, I enjoy building things. The chance to start a Supreme Court practice at an elite, global firm like Skadden was especially exciting. I knew that I'd get to develop a practice with the mix of work that I find most engaging: a steady volume of business cases and room for meaningful pro bono representations. I also looked forward to the opportunity to assemble a talented team of people that would work alongside me, and one another, to build the practice,



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and I wanted to be able to mentor a younger generation of appellate lawyers, just as others have done for me in my career.

What skill sets do you need to be an effective practice group leader? You need all the skills you'd expect: subject-matter expertise, recruiting and hiring experience, and business development and financial management know-how. In addition, you need to be able to build strong relationships—with clients, with other partners, and with potential recruits. So much of leading a practice group is about working with other people, and that's especially true in the appellate world, where we collaborate closely with clients, various other internal practice groups, subject-matter experts, and lawyers at other firms.

How do you balance client work with management work? It's hard, especially when building a new practice group. But Skadden has provided me with talented, dedicated teams on all fronts. We've built a great team of appellate lawyers who are working together to draft compelling briefs, helping me with argument preparation or

preparing for their own arguments, and consistently delivering for clients. Skadden also has first-rate marketing and management teams that have been instrumental in pursuing the practice's business development goals. Even though my responsibilities for clients and management work make for long days, I manage it by leaning on a strong team.

How does having a practice leadership role give you a sense of the broader strategic vision of the firm? The role provides me with both formal and informal opportunities to gain a sense of the firm's strategic vision. I'd particularly stress the importance of integrating the appellate practice into the firm. As a practice group leader, it's important to build relationships with other partners, across offices and practice groups. We've built outstanding relationships with Skadden's world-class lawyers in groups like tax, international arbitration, antitrust, and securities, to name a few, and have worked closely with trial teams to tee up key legal issues for appeal. Collaborating with lawyers and leaders in other practice groups gives me a better sense of Skadden's work and where the firm as a whole is headed. This collaborative environment is helpful both for the growth of our practice and for helping other practices expand, too.

What other roles or experiences help you in this current role? I have found my previous roles as a law clerk and a management consultant to be incredibly helpful in my current role. My clerkship provided me with my first substantive exposure to appellate work. I learned a great deal from the judges for whom I clerked. I also found

management consulting useful—both as a litigator, because it's important to understand a client's underlying business, and as a manager, because it provided me foundational experiences in how to build effective teams.

What are key priorities for your practice area? One of my priorities is to continue growing our team in a way that both helps us meet client demand and allows the lawyers who have helped build the practice over the last couple years to progress into new roles with increased responsibility. And, of course, we're going to continue to look to represent clients on significant appeals, while also seeking out meaningful opportunities to take on pro bono representations. As I mentioned, we already have two merits cases lined up for the Court's current Term, and that's on top of the four cases we handled last Term—more than almost any other firm. The goal is to continue on that trajectory, and to continue to be tapped for other critical appeals.

Is succession planning a part of your role as a practice group leader, and if yes, how so? I think a lot about how best to create growth opportunities for the attorneys in my group. The practice's long-term success depends on having more than one person who argues major appeals before the Supreme Court and lower courts. A successful appellate practice needs to develop a deep bench of talented attorneys. And that's what we've tried to do at Skadden. We make it a priority for associates to lead cases and gain oral argument experience in the federal courts of appeals. The experience of leading the entire process of

a case from start to finish undoubtedly makes each member of the team a better brief writer and appellate lawyer. That helps clients just as much as it contributes to a deep bench.

Is there anything that surprised you about the role? The practice's biggest supporters can come from unexpected places. To explain: A Supreme Court and Appellate practice is in some ways self-sustaining—we attract clients seeking dedicated appellate practitioners for particular appeals—but we also rely on the larger Skadden platform to drive our practice, whether by involving us in existing matters or introducing us to clients. I've been grateful for many of our practice's greatest champions from across the firm. Many partners from practice areas I wouldn't necessarily have predicted have promoted Skadden's appellate capabilities and collaborated with us on really interesting appeals. That's been key to our success.

How has the role given you insights into client needs? Many times a client will need an experienced appellate lawyer to handle a particular appeal, and we're always happy to do that. But other times, clients don't have a discrete appeal on their hands; in fact, there may not even be a specific lawsuit that has been filed. What those clients look for is the skillset that an appellate lawyer brings to the table. We help those clients think through issues in numerous ways, including

pre-litigation counseling or analyzing a potential challenge to a regulation. So, while clients look to our appellate practice for discrete appeals, they also rely on appellate practitioners to deploy our skills in varied ways. This has become especially important as clients seek out specialization within law firms, including the ability to take a potential case from pre-litigation strategizing all the way to the Supreme Court.

Is there any other advice you'd share for those looking to become a practice leader? If you're trying to build something that's going to last, you have to take the long view. That's especially true for a practice group leader starting a new practice at a firm, but I think remains salient for anyone stepping into a leadership role at a law firm and looking to make their mark. Clerking, management consulting, and my years in legal practice have taught me that it's important to set measurable and achievable goals, but my time as a practice leader has allowed me to recognize that it takes time to build the infrastructure and relationships that will allow a new practice to thrive. It takes patience and consistent effort to get to know people across the firm and, while coming to understand their practices, also helping them to understand yours and to see the opportunities for collaboration. Building something meaningful is a long game, but it's worth it.