

Matthew S. Hellman

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Areas of Focus

Aerospace and Defense

Appellate and Supreme Court

Organizational Values and Strategy Task Force

Law Firm and Professional Services Defense

Life Sciences



Overview

Matthew Hellman is Co-Chair of the firm’s nationally renowned Appellate and Supreme Court Practice, regularly arguing before the US Supreme Court and in appellate courts nationwide on high-stakes matters that touch many aspects of American life. From health care to video games, from taxes to trademarks, his cases have been influential. His victories at the Supreme Court have made a difference in bankruptcy, copyright, and First Amendment law. His clients range from prominent companies like Marriott, General Dynamics, and Nomura to individuals. A thought leader in the industry, Matthew is a frequent presenter and writer. He has been a sought-after commentator for outlets including *The New York Times*, *Bloomberg*, *Fox’s Happening Now*, and *Chicago Tonight*.

In his substantial pro bono practice, Matthew takes, and wins, matters with significant commercial implications. For example, his victory at the US Supreme Court in *Law v. Siegel* was called the most important bankruptcy case of that term. He has argued or supervised more than a dozen pro bono cases in the courts of appeals, including two capital cases, and in 2022, he prevailed in a capital case, *Nance v. Ward*, in the Supreme Court. In 2007, Jenner & Block honored him with its Albert E. Jenner, Jr. Pro Bono Award, which annually recognizes firm lawyers who displayed an exemplary commitment to pro bono or public service work.

When Jenner and the University of Chicago Law School established the Jenner & Block University of Chicago Law School Supreme Court and Appellate Clinic in 2016, Matthew was appointed a Co-Director, a testament to his experience as well as his ability to teach the next generation of appellate advocates. In the community, Matthew is a member of the Edward Coke Appellate Inn of Court and serves on the board of directors of the Washington

Lawyers' Committee for Civil Rights and Urban Affairs. At Jenner, he is a Co-Chair of the DC Hiring and Hiring Executive Committees and a member of the Associate Development and Evaluation Committee, Diversity, Equity, and Inclusion Committee, Finance Committee, and Stipend Partner Review Committee.

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- Appellate and Supreme Court
- Organizational Values and Strategy Task Force
- Law Firm and Professional Services Defense
- Life Sciences
- Real Estate and Hospitality

Representative Matters

- *Accenture v. Marriott* - Obtained reversal of a judge's decision to certify damages classes against client Marriott in multidistrict litigation relating to a data incident. The Fourth Circuit's precedent-setting decision vacated the order, which would have certified what is believed to be the largest data-incident class in any court.
- *Nance v. Ward* - Obtained a victory before the US Supreme Court on behalf of a death row inmate who seeks to die by firing squad instead of by lethal injection. The decision allowed client Michael Nance to challenge his execution by lethal injection under Section 1983, a federal civil rights law that allows individuals to seek remedies when their constitutional rights are violated.
- *Abitron Austria GmbH et al. v. Hetronic* - Argued before the US Supreme Court in a case that asked the Court to decide the foreign reach of two provisions of the Lanham Act that prohibit trademark infringement. On behalf of Hetronic, he argued that the Court should reaffirm that the act reaches foreign acts of infringement that harm US commerce.
- *CACI Inc. - Federal v. U.S. et al.* - Secured a Federal Circuit victory for client General Dynamics in a bid protest that CACI International filed over a \$774.3 million acquisition contract with the US Army for encryption devices. After the Court of Federal Claims dismissed CACI's protest for lack of standing, CACI appealed to the Federal Circuit. A three-judge panel said the Court of Federal Claims had wrongly treated CACI's statutory standing issue as being a jurisdictional matter but affirmed the ultimate decision.
- *Kappouta v. Valiant Integrated Services* - Obtained a victory for client Valiant, a defense contractor, in the Ninth Circuit. The appellate court upheld the trial decision that a Valiant employee was not entitled to whistleblower protection for reporting conduct unrelated to the company's contract.
- *John Wiley & Sons v. Kirtsaeng* - Obtained 9-0 favorable ruling in Supreme Court on an issue of copyright lawyer fees. Decided June 16, 2016.
- *WMC RMBS Litigation* - Matthew has presented argument on behalf WMC Mortgage, LLC, a bank owned by GE Capital, in numerous federal and state courts in a series of cases involving in mortgage-backed securities. Among

other representations, Matthew has argued appeals involving over a \$1 billion in claims in both the Second Circuit and New York appellate courts.

- *Law v. Siegel* - Matthew argued successfully in the Supreme Court in a case involving an important and unresolved question in bankruptcy law as to whether a bankruptcy court has the equitable authority to take away a debtor's homestead exemption that the Bankruptcy Code otherwise grants.
- *Miller Global v. Marriott* - Matthew argued on behalf of Marriott in Texas state court, successfully obtained summary judgment in Marriott's favor on a \$50 million claim of professional negligence and then defended that ruling in the Texas appellate courts.
- *American Bridge v. Marriott* - Matthew undertook an appellate representation of Marriott in the Florida appellate courts after a \$16 million judgment, including punitive damages, had been entered against Marriott. On appeal, that judgment was reversed in its entirety and judgment was entered in Marriott's favor.
- *Intercollegiate Broadcasting System v. Copyright Royalty Board* - Matthew successfully argued against an Appointments Clause challenge to the Copyright Royalty Board on behalf of SoundExchange, Inc., in a series of representations to enforce the copyrights of artists and music labels.
- *NCUA v. Nomura* - Matthew argued on behalf of Nomura in the Ninth Circuit in a case addressing the statute of limitations for claims under the 1933 Securities Act.
- *Entertainment Software Association v. Schwarzenegger* - Matthew was the primary author in briefing the firm's landmark Supreme Court First Amendment victory on behalf of the video game industry. By a 7-2 vote, the Court struck down a California law banning the sale of video games deemed to be excessively violent by the state.
- *General Dynamics v. United States* - Matthew was an important member of the team that achieved a 9-0 Supreme Court victory for General Dynamics in a multi-billion dollar government contracting dispute against the United States concerning the design and construction of stealth aircraft.
- *Bridge v. Phoenix Bond* - Matthew was a core member of the firm's team that achieved a 9-0 victory in the Supreme Court for a corporate client in a civil RICO case dealing with issues of proximate causation. Matthew also obtained a favorable unanimous panel decision from the Seventh Circuit on remand in this matter.
- *Hui v. Castaneda* - Matthew secured a 9-0 victory before the Supreme Court for the firm's client, a federal health officer, in an important case concerning the scope of the Federal Tort Claims Act and the immunity accorded to federal employees.
- *Selk v. ResCare* - Matthew argued on behalf of a residential care company in a pending major tort case in the New Mexico Court of Appeals. The appeal stemmed from the firm's successful post-trial representation in which we reduced a \$50 million punitive damage award to \$10 million.
- *Viacom v. Google* - Matthew was a member of the team that presented oral argument to the Second Circuit in a pending major copyright dispute concerning liability under the Digital Millennium Copyright Act (DMCA).
- *Sorrell v. IMS Health Inc* - Matthew was the primary author of a successful Supreme Court amicus brief on behalf of the US Chamber of Commerce in a major commercial speech case.
- *Douglas v. California Pharmacists Association*. Matthew was counsel of record for a successful Supreme Court amicus brief on behalf of the Democratic congressional leadership in an important Medicaid case concerning the right to obtain injunctive relief against unlawful state action.

- *Deere v. Bush Hog* - Matthew is representing a manufacturer of farm equipment in the Federal Circuit in defense of a successful patent judgment of non-infringement.
- *U.S. ex rel Feingold v. Palmetto* - Matthew helped secure the dismissal of a *qui tam* action against a health insurer in the Eleventh Circuit and drafted a successful opposition brief to the relator's petition for *certiorari*.
- *NCTA v. FCC*. - Matthew was a primary author of briefs in the DC Circuit on behalf of the National Cable and Telecommunications Association, challenging an FCC rule governing cable access to apartment buildings.
- *SoundExchange v. Librarian of Congress* - Matthew was a lead architect of a challenge to a determination by the Copyright Royalty Board in the DC Circuit concerning the royalties paid by satellite radio companies to record labels and artists for the use of their music.
- *Washington University v. Catalona* - Matthew represented a group of prostate cancer research participants in the Eighth Circuit who sought to enforce the terms of their consent agreement against a research university.
- *Prometheus Radio Project v. FCC* - Matthew developed and briefed arguments on behalf of the National Association of Broadcasters, challenging media ownership rules in the Third Circuit.
- *Norton v. Southern Utah Wilderness Alliance*. Matthew was a principal author of the firm's Supreme Court brief for respondent Southern Utah Wilderness Alliance, concerning the availability of review under the Administrative Procedure Act when a federal agency fails to protect public lands as mandated by Congress.
- Matthew has also done substantial work at the trial court level on behalf of such clients as Viacom (copyright litigation); Marriott (commercial litigation); General Dynamics (administrative law); General Electric (consumer litigation); and Embarq (electronic privacy). He has assisted in the preparation of expert reports, taken and defended depositions, and has conducted direct and cross-examinations of both lay and expert witnesses.

Credentials

Admissions

- District of Columbia, 2003

Education

- Harvard Law School, JD, *magna cum laude*; President, *Harvard Law Review*, Vol. 115, 2002
- Swarthmore College, BA, Highest Honors; Phi Beta Kappa, 1998

Clerkships

- Hon. Michael Boudin, US Court of Appeals, First Circuit, 2002-2003
- Justice David H. Souter, US Supreme Court, 2004-2005

Service / Recognition

Awards

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The American Lawyer, Litigator of the Week, 2025; Runner-Up, 2023

- *Lawdragon 500 Leading Litigators in America*, 2024-2026
- Capital Pro Bono Honor Roll, 2024-2025; High Honor Roll, 2022
- *Legal 500*, Dispute Resolution - Appellate - Supreme Courts (States and Federal), 2017, 2020-2021
- Seventh Circuit Bar Association, Pro Bono and Public Service Award, 2014
- *Law360*, "Rising Legal Stars", 2010
- Albert E. Jenner, Jr. Pro Bono Award, 2007