

**Best LGBT Lawyers Under 40: Class of 2013
Nomination Form**

Nominee Information

Name: Marc A. Hearn Date of Birth: 1/10/1978
Title: Associate Firm/Organization: Morrison & Foerster
Mailing Address: 2000 Pennsylvania Avenue NW City, State Zip: Washington, D.C. 20006
Phone Number: (202) 778-1663 Email Address: mhearn@mofo.com

Nominator Information

Name: Ruth N. Borenstein
Title: Partner Firm/Organization: Morrison & Foerster
Mailing Address: 425 Market Street City, State Zip: San Francisco, CA 94105
Phone Number: (415) 268-7348 Email Address: rborenstein@mofo.com
Relationship to Nominee: Supervising Partner

Optional: To your knowledge, does the nominee identify as any of the following?

☐ Racial or Ethnic Minority ☐ Female ☐ Transgender
☐ Person with Disability ☐ Other: _____

The complete nomination package must be submitted via email to nominations@LGBTbar.org no later than 5:00 pm EDT on June 3, 2013. Please submit the following information:

- Nomination Form
- Statement of Support of Nominee (not to exceed 2 pages). Please include:
 - Details on achievements within their legal field
 - Details on their commitment to LGBT equality
- Current Resume of the Nominee
- Letters of Support

**NATIONAL LGBT BAR ASSOCIATION
2013 BEST LGBT LAWYERS UNDER 40 AWARD
STATEMENT IN SUPPORT OF MARC HEARRON**

Marc Hearron is a senior associate in the Washington, D.C. office of Morrison & Foerster LLP. He is a member of the firm's Supreme Court & Appellate Practice Group, which *Law360* recognized as the 2012 appellate practice of the year.

As a member of the appellate practice since 2007, Marc has prepared well over 50 appellate briefs for cases at every appellate level, including in the Supreme Court of the United States, the First, Second, Ninth, Eleventh, D.C., and Federal Circuits, and several state appellate courts. He has also argued cases in the Ninth Circuit in matters concerning immigration and prisoner rights.

Marc is a member of the Edward Coke Appellate Inn of Court and the American Bar Association's Council of Appellate Lawyers. He regularly participates in the Supreme Court Moot Court Program at the Georgetown Law Supreme Court Institute, which conducts moot courts for advocates in nearly every case on the Supreme Court's argument docket.

Prior to joining the firm, Marc clerked for Judge Carolyn Dineen King of the Fifth Circuit and Judge Sidney A. Fitzwater of the Northern District Court of Texas. Marc graduated *summa cum laude* from Southern Methodist University School of Law in 2005, where he was Editor-in-Chief of the SMU Law Review, elected Order of the Coif, and was President of the OUTLaw chapter.

Some of the most significant recent appellate victories in which Marc was involved include:

- *RadLAX Gateway Hotel, LLC v. Amalgamated Bank*, 132 S. Ct. 2065 (2012). Represented Amalgamated Bank in one of the most significant and closely watched business bankruptcy cases before the Supreme Court in more than a decade. The Supreme Court unanimously agreed with our argument that a secured creditor has the right to "credit bid" when a debtor attempts to sell secured collateral free and clear of the creditor's lien in a Chapter 11 bankruptcy plan of reorganization.
- *Ransom v. FIA Card Services, N.A.*, 131 S. Ct. 716 (2011). An 8-1 victory, in the first opinion ever authored by Justice Kagan, and the first case ever heard by a Supreme Court bench that included three women Justices. The Court agreed with our client Bank of America that a debtor who owns a car outright and does not make loan or lease payments may not claim an allowance for car-ownership costs under the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.
- *Graham v. Florida*, 130 S. Ct. 2011 (2010). Marc was on the team that convinced the Supreme Court to rule that juvenile offenders may not be sentenced to life in prison without parole for a non-homicide offense.
- *Neurovision Medical Products Inc. v. NuVasive, Inc.*, 494 Fed. Appx. 749 (9th Cir. 2012). Obtained a complete reversal of a \$60 million jury award in a federal trademark case. The court of appeals also reversed the permanent injunction and remanded the case for a new trial. The *Daily Journal* named the case as one of its Top Five Appellate reversals in California in 2012.

In addition to his work on behalf of corporate clients, Marc takes every opportunity he can to bring his appellate expertise to bear on issues related to LGBT equality. Marc has made the advancement of LGBT equality a priority in his career partly because of his upbringing. He was reared in a deeply religious home and a Pentecostal church, both of which taught fervently that being gay is sinful and shameful. Because of those experiences, Marc struggled deeply growing up. He now sees LGBT equality as not just a matter of basic civil rights but also as a counter-message to youth who are in a similar position as he was. Grounded in that conviction, Marc has worked on LGBT-related appellate matters including:

- *Hollingsworth v. Perry*, No. 12-144 (U.S.). Authored an amicus brief on behalf of Harold Hongju Koh and other foreign and comparative law experts. The brief argued that the Supreme Court of the United States should consider and agree with the rationale of other nations' courts that have ruled that full LGBT marriage equality must be guaranteed under basic principles of liberty, dignity, and equality. The brief was the only amicus brief supporting respondents with an international law perspective, and it was especially significant because in *Lawrence v. Texas*, the Court's opinion cited a similar brief authored by Mr. Koh, describing international advancements in LGBT rights.
- *Florida v. Department of Health and Human Services*, No. 11-400 (U.S.). Authored an amicus brief in the healthcare case on behalf of the National Minority AIDS Council; AMFAR, the Foundation for AIDS Research; and other HIV/AIDS organizations. The brief informed the Court of the tremendous potential advances in the fight against HIV/AIDS that may result because of the healthcare law's Medicaid expansion. In particular, by making Medicaid available to all low-income individuals without regard to disability (HIV is not considered a disability), low-income individuals living with HIV will receive treatment to stop the progression of the disease, which also will sharply reduce transmission.
- *Barnes-Wallace v. City of San Diego*, No. 08-1222 (U.S.) and Nos. 04-55732, 04-56167 (9th Cir.). Represented a same-sex couple and a religious agnostic couple, both of whom had children of Scouting age, in a challenge to San Diego's preferential lease of prime parkland to the Boy Scouts. Marc authored a brief convincing the Supreme Court not to review the Ninth Circuit's favorable ruling that the plaintiffs had standing.

Marc was also invited by the Georgetown Law Supreme Court Institute to serve on a select panel of Supreme Court lawyers to moot Stanford Law professor Pamela Karlan, who was scheduled to argue the jurisdictional issue on behalf of Edith Windsor in *United States v. Windsor*. The Court ultimately decided not to hear argument on the jurisdictional issue from Ms. Windsor's counsel, but the invitation to serve on the panel in this high-profile case illustrates the high regard Marc's colleagues have for him, both as an appellate lawyer and an advocate for the LGBT community.

Marc looks for ways to contribute to LGBT causes outside the office too. He is a Lambda Legal sponsor at the Liberty Circle level. He is currently training for this fall's Marine Corps Marathon, raising money for the Human Rights Campaign. And he competes in Stonewall Bocce, raising money for various local LGBT charities.

MARC A. HEARRON

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EXPERIENCE

Morrison & Foerster, LLP, Washington, D.C.

Associate, Supreme Court & Appellate Practice Group, 2007 to present

- Prepared more than 50 briefs for cases in numerous appellate courts, including the U.S. Supreme Court; the First, Second, Ninth, Eleventh, D.C., and Federal Circuits; and several state appellate courts.
- Argued cases in the Ninth Circuit in matters concerning immigration and prisoners' rights.
- Extensive experience with patent appeals in the Federal Circuit.
- Prepared certiorari, merits, and amicus briefs in the U.S. Supreme Court.
- First-chaired preliminary injunction hearing in D.C. Superior Court.

Jones Day, Washington, D.C., Summer Associate, Summer 2004

Vinson & Elkins, L.L.P., Dallas, Texas, Summer Associate, Summer 2004

CLERKSHIPS

Law Clerk, Hon. Carolyn Dineen King

U.S. Court of Appeals for the Fifth Circuit, Houston, Texas, 2006-2007

Law Clerk, Hon. Sidney A. Fitzwater

U.S. District Court, Northern District of Texas, Dallas, Texas, 2005-2006

EDUCATION

Southern Methodist University Dedman School of Law, Dallas, Texas

J.D., *summa cum laude*, May 2005

- Editor-in-Chief, SMU Law Review. Finalist, Best Casenote Award.
- Order of the Coif.
- President, OUTLaw

Oral Roberts University, Tulsa, Oklahoma

B.S., *cum laude*, Computer Science, May 1998

- Minors in Spanish and Mathematics
- President, Student Senate

OTHER EXPERIENCE

CapitalOne Auto Finance, Plano, TX

Senior Data Analyst, Feb. 2000 to Aug. 2002

- Managed MIS team (ranged from 4 to 8 Data Analysts) responsible for standard reporting and analysis for the Marketing & Analysis, Finance, and Operations groups.
- Developed and implemented MIS system to deliver 35 million direct mail pieces annually.

MEMBERSHIPS

Edward Coke Appellate Inn of Court

American Bar Association Council of Appellate Lawyers

INTERESTS

Skiing, tennis, long-distance running, politics, and the annual Post Hunt (Washington) and Herald Hunt (Miami)

UNIVERSITY OF WYOMING

COLLEGE OF LAW

Noah B. Novogrodsky, Professor of Law

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02 June 2013

Best LGBT Lawyers Under 40 Selection Committee:

I write to recommend Marc Hearron for a best LGBT lawyer under 40 recognition. I worked with Marc to draft an amicus brief of foreign and comparative law experts for the United States Supreme Court in the equal marriage case, *Hollingsworth v. Perry*. The brief was signed by Sterling Professor of Law Harold Hongju Koh of Yale Law School, Sarah Cleveland (Columbia), Laurence R. Helfer (Duke) and Ryan Goodman (NYU).

The brief was solicited by the San Francisco City Attorney's Office to bolster the respondents' position that same-sex marriage is fast becoming a global reality rooted in principles of liberty and equality. Ted Olson and others immediately recognized that the brief was a top ten submission in the case and likely to exert outsized influence.

Marc is as responsible as any other single person for the brief's success. As the lead associate on the case, Marc ushered the brief from concept to a finished product that has been featured on the Yale Law School website for more than 3 months. Marc is an awfully quick study. Although international and comparative law is not his specialty, Marc quickly digested complex global jurisprudence and wove it into a compelling narrative. Marc brought his appellate experience and powerful work ethic to the project; he was the last person to leave his computer, the first one to catch errors and the kind of selfless professional we needed to produce a brief everyone on our side of the case is proud to have filed. At the conclusion of the project, Harold Koh called Marc a "human rights hero."

I'm honored to have worked with Marc on this effort and pleased to nominate him for the award. I can think of no one else more deserving than Marc. This should be an easy call for you but please do not hesitate to contact me if you have any questions.

Sincerely,



Prof. Noah B. Novogrodsky

May 31, 2013

To Whom It May Concern,

I am writing to recommend Mr. Marc Hearron for the National LGBT Bar Association's list of Best LGBT Lawyers Under 40. I had the pleasure of working with Mr. Hearron quite extensively during the winter of 2012, during the development of an *amicus brief* in the Supreme Court challenge to the Patient Protection and Affordable Care Act, specifically its Medicaid expansion requirements.

When I approached Mr. Hearron about potentially partnering with the National Minority AIDS Council in developing an *amicus brief*, our organization was charting unfamiliar territory. NMAC had never before weighed in on any circuit level or Supreme Court cases. Mr. Hearron successfully lobbied his firm, Morison & Foerster LLP, to take us on pro bono and helped us navigate the intimidating process of submitting a brief to the nation's highest court.

NMAC, a 501(c)3 organization, works in communities of color to end the HIV/AIDS epidemic. Since 1987, it has advanced this mission through a variety of programs and services, including a public policy education program, direct lobbying, national and regional training conferences, a treatment and research program, numerous electronic and printed resource materials and a website: www.nmac.org.

Mr. Hearron showed an incredible commitment to our mission, expressing particular concern for the impact that the HIV/AIDS epidemic has had and continues to have on marginalized and impoverished gay and bisexual men of color. His enthusiasm for the project and our mission was apparent throughout the entire process. His commitment to promoting social justice and equality for LGBT Americans who are often overlooked is truly inspiring and I recommend him without reservation. He truly is a remarkable attorney.

Thank you for your consideration.

Sincerely,



Kali Lindsey
Director of Legislative and Public Affairs

May 31, 2013

Writer's Direct Contact
415.268.7348
RBorenstein@mofo.com

National LGBT Bar Association
1301 K Street, N.W.,
Suite 1100, East Tower
Washington, D.C. 20005

Re: Letter of Support for Marc Hearn

Dear Selection Committee:

I enthusiastically nominate Marc Hearn for the 2013 Best LGBT Lawyers Under 40 Award.

Marc and I are both members of Morrison & Foerster's Appellate Practice Group, and we have worked together personally on a number of different matters in various courts, including in the Supreme Court, the Ninth Circuit, and the Eleventh Circuit. I have seen first-hand that Marc is a talented writer, a creative thinker, and a skilled advocate, and that he is committed to providing superb client service. He is an outstanding lawyer with a bright legal career.

I have also witnessed Marc's dedication to using his legal talents and experience to champion equal rights for LGBT individuals and families. In particular, Marc and I worked closely together to prepare an amicus brief in *Hollingsworth v. Perry* on behalf of Harold Hongju Koh and other prominent international law professors. Mr. Koh (who is the former Dean of Yale Law School and served as Legal Advisor under Secretary of State Hillary Rodham Clinton before returning to the Yale Law faculty) had written an influential amicus brief about LGBT rights internationally, which was cited by the Supreme Court in *Lawrence v. Texas*. When Mr. Koh was considering submitting an amicus brief in *Hollingsworth* to trumpet advancements in the recognition of same-sex marriage globally, Marc jumped at the opportunity to help. Marc was one of the primary authors of the brief, and he supervised junior associates who compiled international materials in many different languages. His expertise in Supreme Court practice was absolutely invaluable to the effort. The brief received high praise from the clients and from respondents' counsel.

Marc is also active within the firm's LGBT community. For example, as a senior associate, he informally mentors junior LGBT associates in the Washington, D.C. office. He has also recruited for the firm at Lavender Law multiple years.

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May 31, 2013
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I have no doubt that Marc is one of the 40 best LGBT lawyers under the age of 40 in the United States. I hope and trust that you will recognize him with an award.

Best regards,

A handwritten signature in blue ink, appearing to read 'Ruth N. Borenstein', with a long horizontal flourish extending to the right.

Ruth N. Borenstein

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