



Michael J. Showalter

Special Counsel



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Michael is an appellate litigator with deep experience in constitutional law, administrative law, statutory interpretation, and contract interpretation. In the past year, he has drafted dozens of briefs filed in the U.S. circuit courts of appeals and Supreme Court, presented oral argument in the D.C. Circuit on behalf of a broadband provider suing the FCC, and published articles in leading law journals on developing issues of constitutional law, administrative law, and statutory interpretation. He frequently identifies previously unrecognized legal arguments and transforms points of weakness into strength.

Representative Matters

- Drafted U.S. Supreme Court merits or certiorari-stage briefs on behalf of defense contractor in statutory-interpretation case; energy company in Takings Clause case; automobile company in retirement-plan case; energy company in administrative-law case; and fitness company in personal-jurisdiction case. *E.g.*, *Cochise Consultancy Inc. v. United States ex rel. Hunt* (U.S. 2019) (represented defense contractor); *Strang v. Ford Motor Co.* (U.S. 2018) (represented automobile company).
- Lead drafter for U.S. Supreme Court amicus briefs in administrative law, Fourth Amendment, statutory interpretation, and retirement-plan cases. *E.g.*, *SEC v. Jarkesy* (U.S. 2024) (represented telecommunications trade associations); *Calcutt v. FDIC* (U.S. 2024) (represented banking trade association).
- Lead drafter in cases before D.C. Circuit, Second Circuit, Third Circuit, Fourth Circuit, Fifth Circuit, Sixth Circuit, Seventh Circuit, Ninth Circuit, Eleventh Circuit, Delaware Chancery Court, and

Practice Areas

Issues and Appeals
Litigation

Credentials

Education

J.D., Yale Law School

B.A., University of Michigan

Law Journals

Yale Law Journal

Clerkships

Honorable Dabney L. Friedrich, U.S. District Court for the District of Columbia (2018)

Honorable Diane S. Sykes, U.S. Court of Appeals for the Seventh Circuit (2016-2017)

Bar and Court Memberships

District of Columbia Bar

U.S. Courts of Appeals for the Second, Third, Fourth, Sixth, Seventh, Eighth, Eleventh, and District of Columbia Circuits

U.S. District Court for the District of North Dakota

state and federal trial courts in matters spanning constitutional law, administrative law, complex commercial litigation, statutory interpretation, contract interpretation, class certification, and tort law. *E.g.*, *LTD Broadband v. FCC* (CADC 2024); *Hikvision v. FCC* (CADC 2024); *DIRECTV v. Mission Broadcasting* (CA2 2024); *Cipla v. Amgen* (CA3 2019); *Baxter v. HHS* (CA4 2024); *Impossible Foods v. Impossible X* (CA9 2024).

- Primary management responsibility for litigation in Florida and New York state courts on behalf of ore-mining company bringing actions to enforce international arbitration award and recover fraudulently transferred property.
- Identified, developed, and drafted statutory-interpretation argument for position that previously had been universally rejected by hornbooks and the six courts to address it but won in federal district court. *Palmer v. Amazon* (EDNY 2020).

Affiliations

- Board Member, Federalist Society D.C. Young Lawyers Chapter
- American Capitalism Seminar (The Public Interest Fellowship)
- Antonin Scalia Fellowship (The Public Interest Fellowship)
- Aquinas Fellowship (Catholic University)
- Leonine Forum
- Originalism Summer Seminar (Georgetown University)