



LAW360

2017 Rising Star

Erin Murphy

Kirkland & Ellis LLP's Erin Murphy has made a name for herself as a top-tier appellate attorney who's argued three cases before the U.S. Supreme Court covering matters such as immigration, the First Amendment and the bankruptcy code, earning her a spot as one of four appellate law practitioners under age 40 honored by *Law360* as Rising Stars.

Defining moment of her career:

Murphy said her proudest moment as an attorney came early when she, in the spring of 2012, sat beside mentor and former U.S. Solicitor General Paul Clement after briefing the high-profile *NFIB v. Sebelius* case, in which the parties clashed over Congress' power to enact the Affordable Care Act.

The amount of media attention and public scrutiny poured into the case meant that "everyone in the world" was reading her briefs and discussing them, she said.

"One of the defining moments for me was sitting at counsel table," she said. "Hearing the justices ask questions in a way that shows you were able to influence them with your briefs, sitting there and seeing that what we did impacts how people think about it — that will always be an important and defining moment in my career."

"I love that challenge of bringing the law to life a little more and making it so people understand it," she said. "And then I get to understand it myself."

What drew her to appellate law:

Her career is rooted in writing, and that makes appellate law an attractive profession, she said. She studied journalism before attending law school and said she always desired a career using the skills she learned there.

"I love taking different issues and trying to figure out how to translate

them to the audience, to the judges that will be reading the briefs," she said.

Taking an issue that seems extraordinarily complicated and turning it into something the average person could read motivates her to keep going, she said.

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Other notable work:

Murphy has also argued three cases before the Supreme Court, making her debut before the high court in 2013 at just 33, when she argued and prevailed against Solicitor General Donald Verrilli in the Republican National Committee's lawsuit challenging campaign finance limits, *McCutcheon v. FEC*.

In that case, a challenge to the Bipartisan Campaign Finance Reform Act's limit on how much money people could contribute to all candidates, Murphy represented Shaun McCutcheon and the RNC in arguing the limits violated the First Amendment because they were closely related to the government's expressed interest in preventing corruption.

Then, in *Texas v. U.S.*, Murphy in 2016 successfully represented the U.S. House of Representatives as amicus curiae supporting the affirmance of a preliminary injunction stopping the implementation of the Deferred Action of Parents of Americans and Lawful Permanent Residents program.

And in *Husky v. Ritz*, Murphy represented the respondent in a dispute over the interpretation of the term "actual fraud" in the U.S. Bankruptcy Code's exception to discharge.

Murphy has also presented arguments before most of the circuits in cases that raise a wide range of issues.

During the 2016 Supreme Court term, Murphy had the most arguments of any female attorney in private practice and was the only woman outside the Solicitor General's office

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to argue two cases, according to Kirkland. She was also the only woman to handle an argument for which she was not appointed by the court. She told *Law360* that she wishes that weren't the case.

"The unfortunate reality is that there are just more men doing it than women and in any given term, far more of the advocates are men," she said. "But there are amazing female advocates out there that I've been able to learn from and see."

Advice for young attorneys:

Like Murphy did with writing, she says an important thing for young attorneys to find is something they genuinely enjoy doing with their time, and especially people they enjoy doing it with, and focus their careers on that.

"These are the people that you spend most of your time with and I just think it's incredibly important to think about

that [when choosing a practice area]," she said.

She noted that Clement has been a longtime supporter of her career, and that she's been blessed to have people like him around. She advised young attorneys to look for that level of support, and to find mentors who are confident in their abilities to seize opportunities.

"So many of the opportunities I've had, I know that I wouldn't have gotten them if he wasn't backing me and helping me get them," she said.

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