

Rising Star: Bradley Arant's Kevin Newsom

By Samuel Howard

Law360, New York (April 15, 2010) -- Formerly a U.S. Supreme Court clerk and solicitor general of Alabama, Bradley Arant Boulton Cummings LLP's Kevin Newsom has notched recent wins in a voting rights case at the Supreme Court and at Alabama's highest court, where he reversed an \$81 million fraud judgment against GlaxoSmithKline PLC, earning Newsom a spot among Law360's 10 appellate attorneys under 40 to watch.

Newsom, 37, amassed enviable accomplishments in both the public and private sector before returning to his hometown and entering Bradley Arant's Birmingham office in 2007, where he has helped make the appellate practice he now chairs a destination for clients embroiled in particularly tricky and consequential cases.

A denizen of appeals courts nationwide, and familiar with the U.S. Supreme Court, where he has argued on four occasions, Newsom has established a pre-eminent practice that is versatile even in an appellate field that is inherently eclectic. He is currently immersed in an array of cases, turning one day from admiralty to securities fraud, the next, to environmental and breach of contract litigation.

He has also had his share of headline-making cases, last October prevailing at the Alabama Supreme Court, where he successfully reversed an \$81 million fraud judgment against GlaxoSmithKline and rendered judgment in its favor against allegations by states and others that the pharmaceutical giant misrepresented the average wholesale price of its drugs.

In May 2008, Newsom also hit pay dirt at the U.S. Supreme Court when he handled a case for Alabama Gov. Bob Riley, successfully reversing a district court decision relating to the state's preclearance requirements under Section 5 of the Voting Rights Act.

Newsom said that case was particularly gratifying given the daunting circumstances — he was not only at the podium in the highest court, facing off against Pam Karlan, “who literally wrote the book on voting rights” but also contended with an amicus brief filed by the U.S. solicitor general.

The secret to his success? Beyond the outstanding colleagues, the ability to mine and master a complicated subject and devise a case strategy, Newsom credits his accomplishments to an ability to craft compelling and interesting briefs.

“I love to write. If you don't, you shouldn't be an appellate lawyer. Many people have a romanticized view of appellate practice in which the lawyer is constantly on his feet, as if in Speaker's Corner. But increasingly, the bulk of appellate lawyering is done in the written brief,” Newsom said.

Newsom has excelled because his arguments ring true, in part because they bear his inflections and are not encumbered by stagy or aggrandized turns that can often backfire.

“A common misconception is that great lawyers have to be fancy. I am absolutely convinced that the best appellate lawyers are who they are. They don’t put on airs,” Newsom said. “You don’t need to be Cicero to be an effective oral advocate, and you shouldn’t clutter your briefs with meaningless legalese in an effort to sound more ‘lawyerly.’”

Having clerked for Judge Diarmuid Fionntain O’Scannlain at the U.S. Court of Appeals for the Ninth Circuit Court and Justice David Souter at the Supreme Court, Newsom seemed destined for a prestigious professorship, but an epiphany in private practice derailed those plans.

Already keen on the intellectual rigors of legal scholarship, Newsom awakened to the thrills of legal practice while at Covington & Burling LLP, discovering that he got his kicks increasingly from “the practical, rubber-meets-the-road aspect of litigation, where you take on real-world problems.”

After Alabama Attorney General Bill Pryor tapped Newsom for solicitor general, he served energetically for more than three years, burnishing his national reputation while working alongside heavyweights of the appellate scene, like Roy Englert and Carter Phillips.

Joining four other previous Supreme Court clerks at Bradley Arant, Newsom has combined legal prowess with canny litigation skills, establishing himself as a go-to attorney for clients facing knotty, high-stakes legal issues.

Beau Grenier, Bradley Arant’s managing partner, said Newsom’s practice, which is quickly accumulating awards, exemplifies a rare mix of pre-eminent legal skills, workhorse ethics and client service.

“Kevin is one of our most outstanding lawyers and partners,” Grenier said. “Though not yet 40, Kevin has already achieved what few attorneys will accomplish during an entire legal career.”