

# Litigation : My Newsletter Email

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## Spotlight

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### Seizing Opportunity

Aimee Brown, a seventh-year associate at Paul, Weiss, Rifkind, Wharton & Garrison LLP, seemed to develop an immediate rapport with the judges when she argued (warning: audio file will autoplay) in September on behalf of Spirit Airlines in an appeal over the allocation of peak-period flight slots at Newark Liberty airport. She was assertive, self-possessed, and proved her command of the facts and law of the case she was arguing.

The U.S. Court of Appeals for the D.C. Circuit ruled in her client's favor on May 21. The opinion substantially tracks the arguments she made before the panel.

The appeal involved a decision by the Federal Aviation Administration not to reallocate peak-period slots after Southwest abandoned them. Brown argued, on behalf of Spirit, that the court should vacate the agency's decision because it failed to consider the impact on competition and United Airlines' near monopoly on flights out of the airport, rendering the action arbitrary and capricious.

The FAA argued, ultimately unsuccessfully, that its decision wasn't final agency action and therefore not subject to court review.

Big Law associates aren't often given opportunities to argue high-stakes appeals, but both Spirit and the head of Brown's practice group seemed to have no doubt she would perform well.

Brown "immediately inspires confidence in clients, and it was no surprise Spirit was willing to trust her with this argument," Kannon Shanmugam, who runs Paul Weiss's appellate practice, said.

The responsibility assigned to her also has something to do with the practice's partner-to-associate ratio. "I'm the only partner in this fledgling practice!" Shanmugam said.

Brown's appearance was notable for an additional reason. Although not as underrepresented as they are at the U.S. Supreme Court, women have definitely been in the minority of lawyers arguing before the D.C. Circuit. Based on decisions published since Jan. 1, 2020, they've been outnumbered by men arguing cases by almost three to one.

Although Brown had argued just one other appeal before *Spirit Airlines Inc. v. U.S. Department of Transportation*, her experiences clerking and working for the U.S. Department of Justice's Federal Programs Branch were helpful.



Paul, Weiss, Rifkind, Wharton & Garrison LLP associate, Aimee W. Brown

She clerked for Judge Thomas B. Griffith on the D.C. Circuit before clerking for Justices Anthony M. Kennedy and Samuel A. Alito Jr., which provided her the opportunity to see a broad range of advocacy styles and to gain insight as to what works and what doesn't. While at DOJ, she worked on several cases involving the Administrative Procedure Act, which helped her to feel comfortable dealing with those issues in her argument.

Brown said she was thrilled to have the opportunity to the argue the appeal.

She had a couple of months to prepare, working from home and mooted virtually.

She said she did most of her work at her kitchen table and on strolls around Capitol Hill, talking to herself beneath her mask and working through the argument.

She outlined over and over again, whittling down each iteration until she had a one-pager of her most critical points. She talked with her husband, a concert pianist, about strategies for working through the nerves of what is, at its core, a performance.

Preparation is “number one,” she said. But striking the right tone is also key. An appellate attorney is an advocate, but also a trusted adviser to the court, she said.

It’s important to develop and maintain the court’s trust. You will likely appear before the same judges again and again, and you want them to take you seriously, she said.

Brown’s advice to junior attorneys who are eager to take on responsibilities typically reserved for partners early in their careers: Find good mentors.

“I’ve realized that having mentors to help teach, advise, and go to bat for you, has made all the difference in my career,” Brown said. “I’ve gone back to my mentors from law school and my clerkships for every major career decision I’ve made.”

Solid mentorship was a big part of the reason she said she joined Paul Weiss. Shanmugam, according to Brown, has a well-earned reputation for mentoring his associates and “making sure they get the opportunities they need to pursue and accomplish their goals—whether within the law firm or outside of it.”

And a genuinely enthusiastic mentor is the best kind.

“Aimee is an absolutely extraordinary lawyer and a wonderful person too,” Shanmugam said.