

# They've Got Next: Appellate Fresh Face Samir Deger-Sen

By Jordan S. Rubin

March 24, 2021, 5:31 AM

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**Name:** Samir Deger-Sen

**Firm:** Latham & Watkins

**Claim to Fame:** In *Babb v. Wilkie*, helped win an 8-1 U.S. Supreme Court victory which significantly expanded the scope of federal age discrimination coverage. Also persuaded the Ninth Circuit to issue sweeping ruling on gender discrimination in prisons.

**Locations:** New York and Washington, D.C.

**Age:** 35



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Samir Deger-Sen always wanted to be a lawyer.

In England, where he's from, they didn't practice appellate law like in the U.S., he said. Solicitors there work the case up and then hand it off to barristers who argue in court.

Deger-Sen wanted to do both. He came to the U.S. for law school—graduating from Yale in 2013—after undergraduate and masters degrees at Oxford, where he was a world debating champion.

"I always felt like American law was going to be a more enjoyable experience for me, and it's worked out that way," he said.

It's worked out for Latham & Watkins and the firm's clients, too. The 35-year-old associate has scored appellate wins in courts across the country, including convincing the San Francisco-based Ninth Circuit to issue a sweeping equal protection ruling for prisoners challenging gender-based policies.

The Ninth Circuit adopted Deger-Sen's arguments, holding for the first time that intermediate scrutiny for gender-based distinctions applies in prisons.

On the East Coast, Deger-Sen notched another big win in the Second Circuit, securing Social Security Disability benefits for a client who desperately needed them.

Joseph John Demars needed the Second Circuit not only to rule that he could pursue benefits—which meant more plodding through administrative bureaucracy—but that he was entitled to them now.

Deger-Sen won the complete victory, a rare feat in the circuit achieved only a handful of times in the past 40 years.

"Seeing that he's going to be able to get these benefits now is a very fulfilling thing," Deger-Sen said.

“So often with appellate practice you’re several steps removed, sort of in the ivory tower thinking about these legal arguments, you don’t have as much client interaction,” he said. “To be able to get a remedy that I know has helped my client straight away was a fantastic feeling.”

Both cases were pro bono, the type of representation that lets the firm provide crucial services while giving an associate like Deger-Sen appellate experience. “It’s been fantastic of Latham to give me the chance to devote so much time on these pro bono cases,” he said.

Gregory Garre, global chair of the firm’s Supreme Court and Appellate practice, called Deger-Sen an “absolute star.”

The former U.S. solicitor general also said the fact that Deger-Sen clerked at all three levels of the federal judiciary is an asset. “That’s not something you see everyday, particularly with the district court experience,” Garre said. “He knows how cases are developed in the trial courts and can identify errors in a quicker, more insightful way.”

A former clerk for Justice Anthony Kennedy, Deger-Sen second-chaired two recent high court cases, including an 8-1 victory expanding federal age discrimination coverage in *Babb v. Wilkie*.

Deger-Sen was a primary author of a brief leading the court to hold in 2020 that the Age Discrimination in Employment Act’s federal sector provision—governing discrimination claims for the country’s two million federal employees—doesn’t require plaintiffs to show age was a but-for cause of the employment decision to establish liability.

In *Barr v. American Association of Political Consultants*, Deger-Sen was also a primary brief author, where the firm convinced the court last term to invalidate part of the Telephone Consumer Protection Act under the First Amendment.

Garre pointed to Deger-Sen’s debating experience as a source of his appellate success.

“A former world university debating champion, which is pretty cool in itself, but you can see how he’s comfortable on his feet and very conversational and analytical,” Garre said.

He praised Deger-Sen’s “ability to adapt on the fly to what’s going on during an oral argument and persuade judges that may be on the fence. He’s beyond his years in his instincts.”

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