

# ELLIS GEORGE CIPOLLONE

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## Richard Klingler

**Partner**

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**Richard Klingler** focuses on using close and creative analysis of novel legal issues to deliver solutions to clients in appeals and in trial and regulatory proceedings. He draws on his experience in government, finance, and in-house positions, and decades in private practice, to provide pragmatic and commercially-focused advice and advocacy. His cases often involve foreign or domestic governments, regulatory disputes, or administrative law or constitutional issues. He welcomes flexible compensation arrangements based on value provided to clients.

Prior to joining the firm, Richard was for many years an equity partner in the U.S. Supreme Court/Appellate and Complex Litigation groups at Sidley Austin LLP. He served from 2005-2007 as an Associate Counsel and then Senior Associate Counsel to the President, concluding as the General Counsel and Legal Adviser on the National Security Council staff. From 1997-2002, he worked as an investment banker with Credit Suisse First Boston on equity capital market and M&A transactions, and before that worked as a lawyer for a large communications services provider.

Richard has testified many times before Congress on constitutional, counterterrorism, and sovereign immunity issues. He has been an Adjunct Fellow with the American Enterprise Institute and a Guest Scholar at The Brookings Institution, which published his book, *The New Information Industry: Regulatory Challenges and the First Amendment* (1996). He serves on the Board of the National Veterans Legal Services Program and, from 2016-2020, served as a Public Member of the Administrative Conference of the United States.

Richard served as a law clerk to U.S. Supreme Court Justice Sandra Day O'Connor (Oct. Term 1989) and to Judge Kenneth W. Starr, Court of Appeals for the District of Columbia Circuit (1988-1989). He graduated from Stanford Law School in 1988 after receiving an initial law degree in 1985 from Oxford University (where he attended St. John's College as a Rhodes Scholar) and a degree from Stanford University (A.B., History, 1983; Phi Beta Kappa, 1981).

While all cases vary and none is predictive, Richard's illustrative matters, including those undertaken prior to joining the firm, include:

**Administrative.** Participation in agency rulemaking and adjudicative proceedings and in judicial challenges to administrative rules and orders, in the telecommunications, finance, energy, and other sectors. Finance matters include successfully arguing *The Loan Syndications and Trading Ass'n v. SEC and Board of Governors of the Federal Res. Sys.*, 882 F.3d 220 (D.C. Cir. 2018) (setting aside a Dodd-Frank Act credit risk retention rule). Energy matters have involved the Keystone XL Pipeline, as well as litigation in the bankruptcy courts, district courts, and courts of appeals. Telecommunications matters have addressed privacy regulation, government orders for production of information, and large

### Education

- Stanford Law School, J.D., 1988  
Senior Articles Editor, *Stanford Law Review*
- St. John's College, Oxford University, B.A. (Juris.), 1985 (M.A.)  
Rhodes Scholar; Martin Wronker Law Prize
- Stanford University, A.B., 1983  
Phi Beta Kappa, 1981; Editor-in-Chief, *The Stanford Daily*

### Bar Admissions

- District of Columbia
- Pennsylvania (inactive)

### Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals, District of Columbia Circuit
- U.S. Court of Appeals, Federal Circuit
- U.S. Court of Appeals, Second Circuit
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Eleventh Circuit
- U.S. Court of Appeals for Veterans Claims
- U.S. District Court, District of Columbia

## Court Admissions (cont.)

- U.S. Court of International Trade
- District of Columbia Court of Appeals

merger transactions, including the AT&T and Time Warner merger (*United States v. AT&T, Inc.*, 916 F.3d 1029 (2019)).

**Constitutional.** Participation in U.S. Supreme Court and federal court of appeals cases in favor of broad Congressional and Executive Branch counterterrorism powers, judicial power over foreign actors harming U.S. interests, Fourth and First Amendment rights of communications service providers, and rights protected by the Free Exercise Clause and the Second Amendment (including *District of Columbia v. Heller*, 554 U.S. 570 (2008)). Challenged President Obama's purported exercise of authority to bar construction of the Keystone XL Pipeline. Extensive work on separation of powers issues, including addressing the scope and lawfulness of Congressional subpoenas and exercises of Presidential power.

**National Security.** Extensive work in support of victims of the September 11th, 2001 attacks, seeking damages against the Kingdom of Saudi Arabia, various Saudi-related banks and institutions, and other sovereign and private defendants. Includes testimony before House and Senate Congressional committees (leading to enactment of the Justice Against Sponsors of Terrorism Act), work with federal officials, and extensive litigation before the U.S. Supreme Court, the Second Circuit Court of Appeals, and the S.D.N.Y. Illustrative cases in the *In re Terrorist Attacks of September 11, 2001* MDL docket include: *O'Neill v. Asat Trust Reg. et al.*, 714 F.3d 659 (2d Cir. 2016) (led briefing and argued, split decision); *Lloyd's Syndicate No. 2 v. Al Rajhi Bank*, 779 F. App'x 66 (2d Cir. 2019) (led briefing and argued, won); *Federal Ins. Co. v. Kingdom of Saudi Arabia*, 741 F.3d 353 (2d Cir. 2013) (led briefing, won); U.S. Sup. Ct. Nos. 13-1146 (opposing cert.), 13-318 (seeking cert.), 08-640 (seeking cert.). Represented terrorism victims in *Ministry of Defense (Iran) v. Elahi*, 556 U.S. 366 (2009). Other matters include successfully arguing on behalf of military officers in *Lebron v. Rumsfeld*, 670 F.3d 540 (4th Cir.) (led briefing, argued), *cert. denied* 567 U.S. 906 (2012) (counsel of record), filing multiple U.S. Supreme Court amicus briefs supporting broad U.S. counterterrorism powers, including in *Sokolow v. PLO*, No. 16-1071 (2017) (on behalf of a bipartisan group of 23 U.S. Senators), cases involving sovereign immunity and extraterritorial application of U.S. law, and pro bono cases challenging denials of veterans' benefits.

## Clerkships

- Justice Sandra Day O'Connor, United States Supreme Court (1989-1990)
- Judge Kenneth W. Starr, U.S. Court of Appeals, D.C. Circuit (1988-1989)