Adam K. Mortara

Call Date: 2001

Adam K. Mortara joined 3 Hare Court as a door tenant in September 2020 and is available to accept appointments in U.S. civil rights and intellectual property law.

Adam was previously a partner at Bartlit Beck LLP in Chicago, Illinois, one of the nation's leading trial practices. While at Bartlit Beck, Adam led trial teams in both high stakes patent matters, as well as in nationally important civil and voting rights cases. At the same time, Adam is a well-known appellate advocate. He has been appointed by US federal courts to argue as invited amicus curiae seven times (apparently the most by any lawyer in US history), and is the only lawyer in active practice to have been twice so invited by the United States Supreme Court.

Since 2007, Adam has taught at the University of Chicago Law School, from which he received his law degree with highest honors in 2001. Adam's main academic interest has been in the law of habeas corpus, and he has authored numerous briefs on the subject over the years.

Adam defeated the United States Government and the Federal Public Defender in Beckles v. United States at the Supreme Court, where the Government refused to defend the reasoning of the lower court, and Adam was appointed was appointed to do so. The Court adopted the reasoning in Adam's brief in an opinion authored by Associate Justice Clarence Thomas, for whom Adam was a law clerk in the October Term 2002. Prior to that he was a law clerk to Patrick E. Higginbotham of the Fifth Circuit Court of Appeals.

Adam is perhaps best known as the lead trial lawyer to Students for Fair Admissions in SFFA v. Harvard, a ground-breaking case about the legality of racial preferences in university admissions – which uncovered Harvard's intentional discrimination against Asian American applicants. The case is currently pending on appeal and has received significant media attention.

A significant part of Adam's practice is also the representation of state governments. He has represented the Wisconsin Legislature in matters involving legislative redistricting, and represented the State of Texas in redistricting and other voting rights matters.

Adam took a first degree in Natural Sciences on a British Marshall scholarship, an award by the UK Government. Adam is today the Chair of the Selection Committee in Chicago, on appointment from the Foreign and Commonwealth Office and the Marshall Aid Commemoration Commission.

In September 2020, Adam founded Lawfair LLC to focus on civil rights matters, whilst maintaining an active patent law consultancy and continuing his work on behalf of states in voting rights.

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Legal Services

Civil Rights

Notable Civil Rights cases

SFFA v Harvard (D. Mass. And First Circuit Court of Appeal)

Adam represents Students for Fair Admissions in litigation challenging Harvard's use of race in university admissions. Adam was lead trial counsel in the District of Massachusetts (Burroughs, J.) for a three week trial in 2018. The case is currently on appeal.

Zarda v Altitude Express (Second Circuit Court of Appeals)

Adam was appointed by Chief Judge Katzmann and the entire court to argue the proposition that Title VII of the Civil Rights Act of 1964 does not extend to discrimination on the basis of sexual orientation. The Supreme Court ultimately held to the contrary in this and a related case.

Wittmer v Phillips 66 (Fifth Circuit Court of Appeals)

Adam was appointed by a panel of the Fifth Circuit to argue the proposition that Title VII of the Civil Rights Act of 1964 does not extend to discrimination on the basis of transgender status. The Supreme Court ultimately held to the contrary in a related case.

Federal Habeas Corpus

Notable Federal Habeas Corpus cases

Beckles v United States (Supreme Court of the United States)

Appointed by the Supreme Court to take up orphaned question as court-appointed amicus curiae. Briefed, argued, and won complete victory, prevailing over the arguments of both the United States Department of Justice and Federal Public Defender.

Wilson v Warden (Eleventh Circuit Court of Appeals)\

Appointed by the en banc Eleventh Circuit to brief and argue as special amicus in a capital habeas corpus case addressing whether and when unexplained adjudications by state courts can constitute "adjudications

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on the merits" for purposes of 28 U.S.C. § 2254(d).

Bryant v United States (Eleventh Circuit Court of Appeals)

Appointed by the Eleventh Circuit to brief and argue as special amicus in a case raising issues regarding the scope of the savings clause of section 2255(e) and the availability of habeas corpus relief for federal prisoners.

Hunter v United States (Supreme Court of the United States and Eleventh Circuit Court of Appeals)

Lead appellate counsel representing a group of habeas corpus and criminal law scholars in connection with amicus brief at the certiorari stage and on remand at the Eleventh Circuit. Case involves analysis of statutory construction and constitutional issues related to certificates of appealability for sentencing claims. After Supreme Court remand, Eleventh Circuit sua sponte invited our continued participation in the case.

Patent law

Notable Patent law cases

UroPep v Eli Lilly (E.D. Tex.)

Lead trial counsel for UroPep in patent infringement action related to Lilly's Cialis product. Trial verdict for UroPep with damages of $20 million.

Endo Pharmaceutical Solutions Inc v Paddock Laboratories LLC (D. Del.)

Lead trial counsel for plaintiffs in ANDA litigation relating to Endo's Aveed® testosterone undecanoate injection. Complete trial victory for Endo.

Bayer Pharma v Watson & Lupin Ltd (D. Del.)

Lead trial counsel for Bayer in Hatch-Waxman litigation against challengers seeking to market a generic version of the oral contraceptive Natazia®. Complete trial victory for Bayer.

Voting Rights

Notable Voting Rights cases

Gill v Whitford (W.D. Wisc. and Seventh Circuit Court of Appeal)

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Adam was lead trial counsel to the Wisconsin Legislature in this case about alleged partisan gerrymandering related to the state's decennial redistricting process. The case was ultimately dismissed, a complete victory for the Legislature.

Texas v United States (D.D.C.)

Adam was lead trial counsel to the State of Texas in connection with its efforts to obtain judicial preclearance under § 5 of the Voting Rights Act for its redistricting efforts after the 2010 Census. A two week trial took place in January 2012. Texas ultimately prevailed when the Supreme Court set aside § 5's coverage formula in related litigation.

Texas v United States (D.D.C.)

Adam was lead trial counsel to the State of Texas in its efforts to obtain judicial preclearance under § 5 of the Voting Rights Act for its photo identification voting law. A one-week trial occurred in July 2012 and Texas was ultimately successful when the Supreme Court set aside § 5's coverage formula in related litigation

Publications

- Patents, Property, and Prospectivity, 71 Stanford L. Rev. 963 (with Jonathan Masur)
- Comment, The Case Against Retroactive Application of the Foreign Sovereign Immunities Act of 1976, 68 U Chi L Rev 253
- Burdett, J.K.; Mortara, A.K.; Electronic Structure and Properties of the Bunz' Polymers, Chemistry of Materials, 9, 812
- Burdett, J.K.; Mortara, A.K.; Metal-Insulator Transitions and Possible Quantum Effects in Supported Nickel Monolayers, Chemistry of Materials, 7, 1922

Memberships

- American Intellectual Property Law Association
- Federalist Society for Law and Public Policy

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Qualifications

- Sc. B. (Chemistry) University of Chicago 1996
- M.A. (Cantab) 1998
- J.D. University of Chicago 2001

Languages

- English (fluent)
- Mandarin Chinese (basic)

Awards

- IAM Patent 1000
- Legal Media Group "Life Sciences Star"
- Crain's Chicago Business 40 Under 40 (2011)
- University of Chicago Law School Lecturer of the Year (2008)
- American Inns of Court Temple Bar Scholar (2003)
- National Science Foundation Graduate Research Fellowship (1996)
- British Marshall Scholar (1996)