

## First Time Supreme Court Advocate Appointed To Argue The SECs Case In Lucia



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To follow-up on our previous post, on January 18, the Supreme Court appointed Anton Metlitsky of O'Melveny & Myers to argue on behalf of the SEC in Lucia after the Solicitor General abandoned its defense of the SEC's position in its response to Lucia's petition for certiorari. This will be Metlitsky's first argument before the Supreme Court. According to the National Law Journal, Supreme Court tradition dictates that the Circuit Justice for the circuit that decided the case – here, the D.C. Circuit – picks one of his or her former clerks in these situations. Chief Justice Roberts (Circuit Justice for the D.C. Circuit) selected Metlitsky, one of his former clerks. The article also stated that, according to tradition, the appointment goes to a clerk who has never argued before the Court. According to his firm bio, Metlitsky has argued before numerous federal and state appellate courts and authored over a dozen cert-stage and merits briefs in the Supreme Court, including several securities fraud cases. Whether this is a reward or punishment for his clerkship service remains to be seen. And there is still no date set for oral argument.