



Lawrence S. Ebner



lawrence.ebner@capitalappellate.com

1701 Pennsylvania Ave NW
Suite 300
Washington, DC 20006

EDUCATION

Harvard Law School

J.D. (1972)

Dartmouth College

B.A., with honors, Phi Beta Kappa
(1969)

MEMBERSHIPS

Fellow, American Academy of Appellate Lawyers

DRI-The Voice of the Defense Bar

Vice-Chair, Amicus Committee
Publications Chair, Appellate Advocacy Committee
Former Board Member, National Foundation for Judicial Excellence

Dartmouth Lawyers Association

District of Columbia Bar

Courts

Supreme Court of the United States

Larry, a Fellow of the American Academy of Appellate Lawyers, is an accomplished appellate advocate whose nationwide litigation practice is devoted to representing businesses and industries in high-stakes appeals. After 42 years at what is now the world's largest law firm, Larry departed Big Law to start his own Washington, D.C.-based appellate litigation boutique, Capital Appellate Advocacy.

Clients and colleagues routinely praise Larry for his strategic thinking, as well as for his analytical, brief writing and oral advocacy skills. He has authored hundreds of briefs on complex legal issues for parties or *amici curiae* in the Supreme Court, in every federal circuit court of appeals, and in state appellate courts, and has presented oral arguments in federal and state appellate courts throughout the United States. Much of Larry's practice focuses on appeals that implicate significant federal interests—for example, cases involving federally regulated or procured products or services—or civil justice issues important to business and industry—for example, cases involving fairness in class-action or False Claims Act *qui tam* litigation. Larry is a nationally recognized expert on constitutionally based pretrial defenses, such as federal preemption of state-law product liability suits involving pesticides, drugs, medical devices, and other federally regulated products.

Larry's thought leadership is reflected in his prolific professional writing and speaking. He is active in DRI-The Voice of the Defense Bar, where he serves as vice-chair of the Amicus Committee and a frequent author of Supreme Court *amicus curiae* briefs on behalf of the 22,000-lawyer organization. Following graduation from Harvard Law School, Larry

U. S. Court of Appeals for the District of Columbia Circuit
U. S. Court of Appeals for the Federal Circuit
U. S. Court of Appeals for the First Circuit
U. S. Court of Appeals for the Second Circuit
U. S. Court of Appeals for the Third Circuit
U. S. Court of Appeals for the Fourth Circuit
U. S. Court of Appeals for the Fifth Circuit
U. S. Court of Appeals for the Sixth Circuit
U. S. Court of Appeals for the Seventh Circuit
U. S. Court of Appeals for the Eighth Circuit
U. S. Court of Appeals for the Ninth Circuit
U. S. Court of Appeals for the Tenth Circuit
U. S. Court of Appeals for the Eleventh Circuit
U. S. District Court for the District of Columbia
U. S. District Court for the District of Maryland

began his legal career as an Honors Program attorney in the Civil Division of the U.S. Department of Justice.

INDUSTRIES/SERVICES

Chemicals & Other Manufacturing

- Defense of toxic & environmental tort litigation
- Pursuit of statutes of limitation & repose defenses
- Spoliation of evidence and related matters
- National Environmental Policy Act (NEPA), Endangered Species Act (ESA), & Toxic Substances Control Act (TSCA) compliance
- California Proposition 65 litigation

Class-Action Defendants

- Interlocutory appeal of adverse class-certification decisions
- Pursuit of mootness, commonality/predominance, and other class-action defenses
- Scope and applicability of arbitration provisions under Federal Arbitration Act

Critical Infrastructure

- Litigation opposing judicial interference with operation of telecommunications, transportation, and other national critical infrastructure sectors
- Industry challenges to environmental restrictions on construction & maintenance of transportation, energy, and other critical infrastructure
- Federal preemption of local government restrictions on interstate passenger rail operations

Drugs, Vaccines & Medical Devices

- Advocacy of federal preemption defenses in drug, vaccine, and medical device product liability litigation
- Labeling, misbranding, & false advertising issues
- Product liability prevention

Government Contractors

- Pretrial defense of government contractors in False Claims Act *qui tam* suits
- Advocacy of political question, combatant activities preemption, qualified immunity, Defense Base Act, and other specialized pretrial defenses on behalf of war-zone contractors in wrongful death & personal injury litigation
- *Boyle* government contractor product liability defense

- State secrets doctrine
- Protection of privileged internal investigation communications

Insurance & Financial

- Availability of arbitration to resolve insurance coverage disputes
- Scope and application of Fair Debt Collection Practices Act
- Telephone Consumer Protection Act

Pesticides

- Representation of manufacturers, formulators, distributors, and users of agricultural, industrial, wood preservative, structural, landscaping, and consumer pesticides
- Pretrial defense of pesticide-related product liability & toxic tort suits, including Federal Insecticide, Fungicide, and Rodenticide Act ("FIFRA") preemption defense
- Industry intervention in public interest group suits against U.S. EPA and state regulatory agencies
- Joint data development group & individual registrant representation in cancellation, suspension, and other regulatory review proceedings
- Arbitration of FIFRA data compensation disputes
- Settlement & defense of enforcement proceedings
- Preemption of state & local regulation

Trade Associations

- High-impact *amicus curiae* ("friend of the court") briefs on behalf of national trade associations & other pro-business groups in the Supreme Court, federal courts of appeals, and state appellate courts
- Solicitation & coordination of Supreme Court amicus briefs in support of certiorari petitions and on the merits in granted appeals, and on the merits and in support of rehearing petitions in federal courts of appeals