



Prominent Appellate Atty Joins Gupta Firm As Named Partner

By Kelly Knaub

Law360, New York (July 15, 2015, 1:01 PM ET) -- The national appellate boutique formerly known as Gupta Beck PLLC has announced that former Public Justice staff attorney Matthew Wessler, who has extensive experience in plaintiff-side litigation in employment and class action, among other areas, has joined founding principal Deepak Gupta as a named partner to create Gupta Wessler PLLC.

Wessler told Law360 on Wednesday that he's been concerned for several years by the asymmetry in legal representation between plaintiffs and corporate defendants. In particular, he said, when big corporations face high-stakes appeals, they have their pick of specialized Supreme Court and appellate groups at large firms, adding that comparable options for plaintiffs and public interest clients on the other side often aren't available.

The firm became effective as Gupta Wessler on July 1.

"I've watched Deepak build his firm into the nation's premier appellate boutique for plaintiff-side litigation and his track record over the last few years has been remarkable," Wessler said. "He has become the go-to appellate lawyer for many important cases and I was attracted by the opportunity to work with him to expand the firm's impact and broaden its reach."

Wessler specializes in handling high-profile cases at all levels of both state and federal court for plaintiff-side and public interest issues. That includes at the U.S. Supreme Court, where he routinely works with plaintiffs at the certification stage and on the merits.

Outside of the Supreme Court, his practice involves a wide range of areas, including class actions, health care, employee benefits, consumer protection, preemption, arbitration and banking. He also often co-counsels with trial firms in complex, ground-up litigation, and said on Wednesday that he hopes to focus in particular on cases involving the Employee Retirement Income Security Act, health care and insurance issues, as well as antitrust.

Wessler said that most of the firm's clients are plaintiffs or public interest organizations that find themselves involved in important litigation going up on appeal.

"We work on cases involving a range of subjects, including access to the courts, administrative law, class actions, communications law, consumers' and workers' rights, environmental justice, ERISA, federal jurisdiction and constitutional issues of every stripe — especially federal preemption and the First Amendment," Wessler said. "My goal — no different from Deepak's — is to help shape the law in ways that enhance justice and improve people's lives."

Wessler spent six years at Public Justice, where he spearheaded its Supreme Court practice and argued numerous cases before the high court, including the landmark ERISA case *U.S. Airways v. McCutchen*. In that case, the high court — in a 5-4 decision — overturned a Third Circuit holding that the principle of unjust enrichment trumped a clause in a U.S. Airways ERISA plan that said the company had to be reimbursed for medical expense payouts if an injured plan participant recovered money from third parties.

Prior to his time at Public Justice, Wessler served as an associate at Williams & Connolly LLP, a member of the Obama campaign's election litigation team and a law clerk for the Third Circuit.

"I'm thrilled to be teaming up with Matt," Gupta, who founded the appellate boutique three years ago, said in a statement. "He's a tremendously skilled advocate with a keen sense of justice and an unparalleled ability to distill complex cases into simple and compelling narratives."

The firm is currently filing a Supreme Court appeal for the family of an unarmed Mexican teenager gunned down by a U.S. border patrol guard, battling Chevron over a contested \$8 billion oil pollution judgment from Ecuador in the Second Circuit and fighting the gun lobby in several key Second Amendment cases, among other high-stakes cases.

--Additional reporting by Ben James. Editing by Stephen Berg.