

'Go for It:' Sidley's First Associate Preps for Oral Arguments Before U.S. Supreme Court

Peter Bruland, 33, a senior managing associate at Sidley Austin, will be making firm history by being the first associate to argue before the Supreme Court on Monday



Peter A. Bruland of Sidley Austin. Courtesy photo

Convincing the highest court in the land to reconsider a defendant's 38-year sentence is a tall order for any attorney, let alone a 33-year-old associate.

That attorney, Peter Bruland, a senior managing associate at Sidley Austin, will be up for the task on Monday. Adding to the high stakes of oral arguments, Bruland will be the first associate from the top AmLaw200 firm to present his case before the most prominent justices in the country.

"It's been thrilling; it's like I made it to the finals at Wimbledon!" Bruland told Law.com about the opportunity. "I think this is the most exciting thing you can do as a lawyer, and you'd be a fool if you're not nervous because a lot is riding on this for the client."

Bruland, who has been with the firm for three years, will be handling oral arguments in the case, *Rivers v. Lumpkin*, asking the court to afford a Texas state prison the right to amend his pleadings. The client, Danny Rivers, was sentenced in 2012 to 38 years in prison for child sexual abuse charges. In 2017, Rivers filed a habeas petition challenging the conviction on various grounds, which was denied by the U.S. District Court for the Northern District of Texas. While an appeal was pending before the U.S. Court of Appeals for the Fifth Circuit, Rivers discovered new evidence —including a state investigator's report that suggested the defendant was wrongly convicted—and he sought to amend his initial habeas application to add claims of insufficient evidence, among other things.

In April, the federal appellate court upheld the dismissal of Rivers' second-in-time petition for lack of jurisdiction under 28 U.S.C. Section 2244, which put limits on second or successive federal habeas relief for state prisoners. Federal appellate courts remain divided over whether Section 2244(b)(2) bars nearly all attempts to file a second or successive habeas corpus applications, according to the firm.

When Bruland read the Rivers' [Fifth Circuit opinion](#) last spring, he discovered there was no mention of what he deemed the most recent and important precedent on habeas law. In 2020, the U.S. Supreme Court ruled in [Banister v. Davis](#), holding that Federal Rules of Civil Procedure Rule 59(e) allows a litigant to file a motion to amend a judgment and is not considered a second or successive habeas petition.

"We're trying to say that amending your habeas petition works just like amending any other normal civil pleading," he said. "It's not just us making that up."

The associate immediately wanted to get involved, knowing that *Banister* serves as his primary reference point in the present case.

"I read the opinion the day it came out, and I knew that this case was going to the Supreme Court," Bruland said about presenting the idea to Sidley's leadership team. "And I went to the office of a partner here at Sidley and said, 'I think this is going to be big, and we should get involved in it.' He said, 'Go for it.'"

Bruland contacted Rivers, who had represented himself since 2014, the same day that the Fifth Circuit's opinion came out. The two spoke over the phone multiple times before Sidley sent Bruland to the state prison in Beeville, Texas. At their first meeting in May, Bruland pitched Rivers on his extensive pro bono experience, which includes disability, education, First Amendment, and criminal matters.

"We weren't the only ones interested in this case; this is a big case," Bruland said. "I think one of the things that convinced him to go with us was the pro bono experience that I had here, and just how much he knew he could trust Sidley and our Supreme Court practice."

Filing an ineffective assistance of counsel claim, Rivers argued his previous lawyers overlooked the evidence, among other things. The Supreme Court agreed to hear the case.

"I'm going to be having a conversation with the most important justices in the country, and also with everything the law firm has put behind this, I want to do them proud," Bruland said about the opportunity. "It would be a lot of pressure if I didn't have a great team working with me, and yes, we've scoured the old cases for history, we've looked at every word that Congress has written about this, we've thought hard about how this will affect the federal courts."

Once Bruland and Rivers decided to work together, the senior associate organized help from other Sidley associates, nearly "half of the 10th floor" of the firm's Washington, D.C., office. The team worked to find out how courts dealt with habeas petitions in the distant past. An associate from Sidley's Miami office found the 1952 Supreme Court case *Harisiades v. Shaughnessy*, which Bruland said is "almost exactly like [their] case." As briefs from the 1950s are not available online, Bruland had to visit the Library of Congress to retrieve the *Harisiades* cert petition and the government's response.

"That's the kind of resources that Sidley has put behind this: the brainpower and the resources to turn every page and make sure we're telling the Supreme Court the full story and getting all of the details right," he said.

Bruland, who earned nearly 700 pro bono hours on the case, spent dozens of hours at the firm editing their [Supreme Court brief](#), leading to some inconvenient hours at the office.

"The weekend before we filed, a partner and I were in a conference room for eight hours on a Friday until midnight editing the brief," he said. "He managed to come in on Inauguration Day when all the roads were shut down, and we spent the whole day editing it together.

"It's been a really fascinating process; this is the most challenging case I've ever worked on, and I can't do it without all of the support I'm getting here at Sidley," Bruland said, adding he is appreciative of all the resources the firm has dedicated to the case.

Bruland caught the attention of his close colleagues with his meticulous preparation, which has reportedly not been contained to the office.

"When he goes to the gym, he routinely listens to Supreme Court arguments while he's there," Kwaku A. Akowuah, co-leader of Sidley's Supreme Court, Appellate and Litigation Strategies practice, said. "He'll be in line at absurd hours of the morning to get into the Supreme Court to hear arguments.

"He has a binder in his office of the Supreme Court's cases from each term," Awokuah added. "He's read all of them, he's tabbed all of them, he's got notes on every single one of them as far as I can tell, so daily he's been preparing for this experience."

Akowuah, who occupies the office next door to Bruland in Sidley's Washington, D.C., office, said he was not surprised at Bruland's approach to the case. The young associate has shown he's wiser than his years suggest, he said.

"I don't think there is an associate who is more dedicated to his craft, and more committed to drawing every bit of excellence out of who he can be than Peter," Akowuah told Law.com.

"This is a man who is absolutely committed to being the best appellate lawyer he can possibly become, and if you see someone working like that, and with enthusiasm about strengthening his own craft and developing himself as a lawyer, it's incredibly easy to have confidence that he's going to be ready for an opportunity like this," Akowuah said. "And he is."

