

# BENJAMIN HAYES

Associate

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Benjamin Hayes is an associate in the firm's Appellate Litigation practice. His work focuses on appellate matters and complex litigation in federal courts. Mr. Hayes has experience in a wide range of areas, including constitutional law, administrative law, and environmental law. He also has experience litigating cases involving the enforcement of arbitral awards against foreign sovereigns in U.S. court.

## AREAS OF PRACTICE

Appellate and Supreme Court Litigation  
State Attorneys General

## EXPERIENCE

- Co-authored brief opposing certiorari from decision involving the False Claims Act's public disclosure bar. Successfully persuaded the Supreme Court to deny certiorari after the Court called for a response.
- Co-authored brief in the D.C. Circuit opposing a National Environmental Policy Act challenge to a Department of Energy order authorizing the export of liquefied natural gas. Successfully persuaded the Court to deny the petition for review.
- Co-authored brief in the Fifth Circuit appealing adverse ruling on a question of state law. Successfully persuaded the Court to unanimously reverse district court judgment and render judgment in client's favor.
- Co-authored brief in the Second Circuit seeking reversal of \$247 million judgment entered against a common carrier. Successfully persuaded the Court to reduce the penalties by over \$80 million.
- Co-authored briefs in the Fourth Circuit challenging district court orders invaliding Food and Drug Administration guidance on the enforcement of the Family Smoking Prevention and Tobacco Control Act.
- Co-authored briefs in federal district court seeking and opposing confirmation of arbitral awards against foreign sovereigns under the New York Convention and the ICSID Convention.

Pro Bono

- Co-authored merits-stage amicus brief in the Supreme Court in *Byrd v. United States*. Supreme Court ruled in favor of client's position.
- Co-authored petition-stage amicus brief in the Supreme Court supporting review of Fifth Circuit decision addressing the deference owed state court decisions under AEDPA.
- Co-authored amicus brief in federal district court defending a Justice of the Peace's practice of opening his court proceedings with prayer.

## PROFESSIONAL EXPERIENCE

Prior to joining Goodwin, Mr. Hayes was a law clerk for the Honorable Jennifer Walker Elrod of the U.S. Court of Appeals for the Fifth Circuit, and practiced in the appellate practice group of another international law firm. During law school, Mr. Hayes served as an editor on the *Virginia Law Review*, was a member of the Appellate Litigation Clinic, and served as a judicial intern for the Honorable Colleen Kollar-Kotelly on the U.S. District Court for the District of Columbia.

## CREDENTIALS

### EDUCATION

**J.D., 2014**

University of Virginia School of Law

**B.A., 2008**

Geneva College

### CLERKSHIPS

2016-2017 U.S. Court of Appeals for the Fifth Circuit, Honorable Jennifer Walker Elrod

### ADMISSIONS

**BAR**

Virginia

District of Columbia

### COURTS

U.S. Supreme Court

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 Ninth Circuit  
U.S. District Court for the District of Columbia  
U.S. District Court for the Eastern District of Virginia