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Q&A With Akin Gump's Rex Heinke

Law360, New York (October 09, 2009) -- Rex S. Heinke is a partner with Akin Gump Strauss Hauer & Feld LLP in the firm's Los Angeles office and leads the firm's appellate practice group. He has handled hundreds of appeals, writs and motions in federal and state courts throughout the country.

Heinke has also served as lead trial and appellate counsel on behalf of newspapers, magazines, television networks, motion picture studios, Web sites and entertainment production and distribution companies in First Amendment, intellectual property, entertainment, media and Internet disputes. He has lectured on media, entertainment, Internet, intellectual property, advertising, constitutional and appellate law for programs presented by many professional and educational organizations.

Q: What attracted you to your practice area?

A: There is nothing more intellectually challenging or exciting than matching wits with a panel of well-informed, experienced and intelligent appellate justices.

Q: What is the most challenging case you've worked on, and why?

A: My most challenging appeal was *Bridas S.A.P.I.C. v. Government of Turkmenistan*, 345 F.3d 347 (5th Cir. 2003), cert. denied, 541 U.S. 937 (2004); *Bridas S.A.P.I.C. v. Government of Turkmenistan*, 447 F.3d 411 (5th Cir.), cert. denied, 541 U.S. 937 (2006).

In this international arbitration, we represented Bridas, an Argentinean oil company, against the government of Turkmenistan, a former Soviet republic, over a failed oil and gas development contract. The issue was whether Turkmenistan was bound by the arbitration award when it was not a party to the contract between Bridas and an entity that Turkmenistan controlled.

The case was decided twice by the district court, twice by the Fifth Circuit, and our opponents' certiorari petitions were both denied. Ultimately, the Fifth Circuit held that Turkmenistan was bound as an alter ego by the arbitration award, which was almost a billion dollars including interest.

Q: What are the most challenging legal problems currently facing clients in your practice area?

A: My practice area is not itself a substantive area of the law, so it does not lend itself to a response.

Q: How do you see your practice area evolving in the next five years?

A: There is increasing recognition that appellate lawyers bring unique skills and a different perspective to appeals and writs. More and more clients and law firms have recognized this. There will be more demand from clients for lawyers who are skilled appellate practitioners and firms will increasingly have separate appellate departments.

Q: Outside your own firm, name one lawyer who's impressed you and tell us why.

A: Kent Richland and Robin Meadow [both partners] of Greines Martin Stein & Richland LLP in Los Angeles. They are appellate specialists who are very experienced and very smart. They do a wonderful job for their clients and also devote time to pro bono and bar activities.

Q: What advice would you give to a young lawyer interested in getting into your practice area?

A: Clerk for a judge and do some trial work before you get into appellate practice. Clerking helps give you a perspective on what judges are looking for, while working on trials helps you understand how the trial process operates and how decisions are made at trial.