

AUSTIN

Star lawyer makes Supreme Court splash

By [Chuck Lindell](#)

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It's a rare lawyer who can deftly handle the pressure of arguing before the U.S. Supreme Court.

In April, Austin's Gregory Coleman did it twice in eight days — and he did it arguing two of the most watched, most controversial cases in the high court's just-completed term.

Coleman also won them both, polishing his reputation as a top-flight appellate lawyer and as a conservative unafraid to mix it up in the combative, contentious arena of race relations.

"Greg is a terrific lawyer, and I am not at all surprised that he pulled it off," said University of Texas law professor Michael Sturley, who taught Coleman when he was a first-year law student 19 years ago and then worked with and against his former student on several appeals.

"It's nicer to have him on your side," Sturley said.

Coleman's latest cases sought to modify — some would say cripple — two landmark pieces of legislation in America's long, bitter fight to reverse the damage caused by generations of flagrant racial discrimination: the Civil Rights Act of 1964 and the Voting Rights Act of 1965.

Both cases inspired a spirited debate on race relations, spotlighting deep divisions between those who believe government oversight and affirmative action remain necessary because discrimination still exists and those like Coleman who believe they are outdated policies that perpetuate racial divisions in today's more tolerant society.

"It's a different day," Coleman said, bemoaning the pendulum swings of "racial politics" that first condoned discrimination and then overcompensated, in his view, with a system of reverse discrimination that fosters a sense of unfairness and frustration.

"It would be better if we finally got to the middle, where everyone gets equal opportunity based on the same chance to succeed," he said.

Coleman said he doesn't see himself as a conservative activist but as an appellate lawyer serving mainly corporate clients while taking on occasional pro bono work that mirrors his conservative ideals — "something I think will make the law fair, make society more civil and better."

And that's where Coleman runs into opposition from civil rights and minority rights advocates who believe the programs he's targeted are essential to restoring fairness in a society still struggling toward racial equality.

The soft-spoken Coleman seems ill-suited to his role in the impassioned, at times vitriolic national debate on race. But he is also described as a fearsome litigator with a nimble mind and a formidable work ethic.

He clerked for two of the nation's most conservative appellate court judges, served as Texas' first solicitor general, or chief appellate lawyer, and ran the national appellate practice for a large New York law firm — all before turning 40.

Yet outside appellate law circles, Coleman is virtually unknown.

The two recent Supreme Court cases are starting to change that.

Rapid-fire questions

If an appellate lawyer has any weaknesses, appearing before the Supreme Court will expose them.

The verbal sparring typically begins before lawyers can complete their third sentence, when a justice interrupts with the first question. Answers must be succinct yet on point, because another justice is waiting to pounce with a new query, a follow-up question or a comment designed to squeeze out every drop of a lawyer's knowledge of the case, the law or judicial precedent.

The process rewards lawyers who are overprepared and can think rapidly on their feet — identifying justices who appear to be on the fence or leaning slightly toward the other side, then pitching their answers to them.

"You're there to help them see solutions to the difficulties of a case," said Sturley, co-director of UT's Supreme Court Clinic. "Greg does a terrific job of engaging the bench. He's very smart. He's able to see connections."

In 30 minutes on April 22, Coleman faced 55 questions while arguing that Connecticut firefighters — 19 of them Anglo and one Hispanic — were discriminated against when the City of New Haven threw out civil service exam results because no black candidates qualified for promotion.

Only one week later, Coleman was back in court, this time facing 53 questions about Section 5 of the Voting Rights Act, which applies to all or parts of 16 states with a history of voting discrimination. It requires every jurisdiction in Texas — including the small utility district in Northwest Austin that brought the case — to seek U.S. Justice Department approval before making even small changes in voting procedures.

Coleman's oral argument preparations had begun months earlier. He reread briefs, case files and trial records — all on computer, allowing him to keep his Austin office almost unnaturally tidy. He also engaged other lawyers to pepper him with questions in mock settings known as moot courts.

"What I tell people is hit me with the hardest questions you can come up with so we can come up with better answers. I'd rather be embarrassed now than embarrassed in front of the actual court," he said.

As the Supreme Court dates neared, Coleman spent 16 days barricaded in a Washington hotel room, reading files and emerging for moot courts and team meetings to discuss likely questions. He estimates he slept three to four hours a night.

"I found that if we work harder than the other person, we'll come up with some theory someone else hasn't thought about, some new perspective on the law, and turn the case around," Coleman said. "People talk about the smartest guy in the room. That's not me. But the guy who works hardest is, more times than not, going to end up successful."

Two months later, Coleman won both cases.

The Voting Rights Act case was decided 8-1 when justices declined Coleman's invitation to scrap Section 5. Instead, they accepted his argument that any jurisdiction should be able to opt out of Justice Department oversight if it could prove compliance with voting rights laws.

Last week, the court followed with a 5-4 ruling in the firefighters' favor.

Making an early splash

Now 45, Coleman is finally off the "young lawyers to watch" lists he populated in the years since graduating from UT Law School with high honors in 1992. He also graduated summa cum laude with a master's degree in business administration from Texas A&M.

"From the first, it was obvious that he had great potential," said Sturley, who taught Coleman property law.

After UT, Coleman was a law clerk for Judge Edith Jones on the 5th U.S. Circuit Court of Appeals. It's been 16 years, but Jones — now chief judge of the court — remembers Coleman well.

"He was always early to the office," she said. "He had three little boys, and he was busy doing activities with them. He was always very active in his church (the Church of Jesus Christ of Latter-day Saints), in addition to pursuing his professional calling. I guess you can say maybe the man stays awake 22 hours a day to accomplish all he has accomplished."

Coleman spent two years in private practice before moving to Washington for one year to clerk for U.S. Supreme Court Justice Clarence Thomas, drafting opinions and sitting with the justice through the editing process. He learned what makes a good brief and gained insight into the court's inner workings, lessons he still relies on today.

In 1999, Coleman became the state's first solicitor general when then-Attorney General John Cornyn created a specialized appellate division. Cornyn, a former Texas Supreme Court justice, said Coleman caught his eye during oral arguments at the court.

"He was the right combination of talent and brilliance," said Cornyn, now a U.S. senator.

Though only in his late 30s, Coleman "established himself as one of the premier appellate lawyers in the state, if not the nation" during his three years on the job, Cornyn said.

Today, Coleman runs the appellate practice for Yetter, Warden and Coleman, a small Houston-based firm that focuses on complex commercial litigation.

"His judgment is impeccable," partner Paul Yetter said. "It has been far more successful than anyone could've imagined."

Working without fees

Coleman has tackled racial issues before, working for no charge on behalf of white and Asian families to reverse a 1996 Houston school district policy that set aside two-thirds of a magnet school's population for black and Hispanic students.

But he says the two Supreme Court cases, decided a week apart, should not pigeonhole him as a conservative. Coleman said he has also helped law partners challenge the government's display of religious symbols and worked on cases alleging voter discrimination — all part of his job as head of a law firm's appellate division.

"Am I a proud conservative? Yes. But I'm also proud of the fact that I've worked on, in a fully committed way, a lot of issues" important to fellow lawyers, he said.

As solicitor general, Coleman also worked on the Hopwood case, defending the UT Law School's former policy of taking race into account when making admission decisions.

Douglas Laycock, a UT professor emeritus of constitutional law, has strong praise for Coleman's contribution.

"Greg made our drafts better, and on the principal brief, the last transmission from Greg's office came at 4 a.m. the day it was due," Laycock said. "He wasn't enamored of it, but he had a client and a case. If he was going to do this, he was going to do it well."

When he has a choice of cases, Coleman said he looks for pro bono work that fits his philosophy. He took the Voting Rights Act case largely for free, with only a "five-figure" contribution for expenses from the Project on Fair Representation, an advocacy group that challenges race-based government policies, Coleman said.

The firefighters case arrived "out of the blue" last summer when a lawyer called asking for help on the appeal, he said. Because the Civil Rights Act lets discriminated parties recoup legal fees, that case could result in money for the firm. The trial judge will make that decision, Coleman said.

Looking forward, Coleman said he has no pending cases that are likely to make additional headlines.

And, although he was twice approached by President George W. Bush's administration to gauge his interest in a federal appellate court bench, Coleman sees himself as a lawyer for many years to come.

"If a judge changes the law, it's only because a lawyer came up with a theory the judge or panel of justices has found compelling," he said.

"I love doing what I do."

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