



Robert B. Mitchell

Partner

Seattle

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OVERVIEW

Robert Mitchell's practice focuses on appeals and the resolution of tax controversies and other complex legal disputes.

PROFESSIONAL BACKGROUND

Rob is a member of the firm's pro bono committee and is the pro bono coordinator for the Seattle office. Rob also serves as secretary of the District 14 committee of selection for the Rhodes Trust and is an elder of Bethany Presbyterian Church. He formerly led the Governance Committee of the Board of Directors of the UND Alumni Association and Foundation and chaired the Board of Directors of Presbyterian Retirement Communities Northwest, now known as Transforming Age.

ACHIEVEMENTS

- *The Best Lawyers in America*® (Commercial Litigation, 2013-2023), (Appellate Litigation, 2022-2023)

ADDITIONAL BACKGROUND

Rob is a member of the firm's pro bono committee and is the pro bono coordinator for the Seattle office. Rob also serves as secretary of the District 14 committee of selection for the Rhodes Trust, is a member of the Board of Directors of the UND Alumni Association and Foundation, and is an elder of Bethany Presbyterian Church.

EDUCATION

- B.A., University of North Dakota, *summa cum laude*; *Phi Beta Kappa*
- J.D., Yale Law School, *Benjamin N. Cardozo Prize*
- M.A., University of Oxford, *Rhodes Scholar*

ADMISSIONS

- Bar of Washington

THOUGHT LEADERSHIP *POWERED BY HUB*

- 29 March 2023, Washington's Capital Gains Tax Upheld
- 10 January 2022, COVID-19: Cameras in the Courtroom & Post-Pandemic Access to Appellate Proceedings
- 4 April 2020, COVID-19: UPDATED Nonprofit FAQ for CARES Act Paycheck Protection Program
- 17 July 2018, A *Janus*-faced Standard? Chief Justice Roberts's Approach to *Stare Decisis* at the Threshold of a Post-Justice Kennedy Supreme Court

NEWS & EVENTS

- 18 August 2022, More Than 350 K&L Gates Lawyers Named Among 2023 Best Lawyers in America, Ones to Watch
- 19 August 2021, Nearly 300 K&L Gates Lawyers Named Among 2022 Best Lawyers in America, Ones to Watch

AREAS OF FOCUS

- Appellate Litigation
- Commercial Disputes
- Tax

REPRESENTATIVE EXPERIENCE

- Representing Domestic Violence Legal Empowerment and Appeals Project (DV LEAP) and other organizations before the Washington Court of Appeals as amici curiae in cases addressing the presumptive length of domestic violence protection orders.
- Representing American Intellectual Property Law Association before the United States Supreme Court as amicus curiae in support of the petitioners in *ABC v. Aereo, Inc.*, 134 S.Ct. 2498 (2014).
- Representing municipality in case challenging its impoundment of an illegally parked vehicle occupied by a homeless man. Man claims unlawful seizure, excessive fine, Homestead Act violations, and a violation of his right to substantive due process under the state-created danger doctrine.

- Representing municipality and councilmember in action asserting damages for defamation, related state-law claims, and alleged constitutional violations arising from statements labeling plaintiff a notorious slumlord, among other things. See *Haglund v. Sawant*, --- Fed. Appx. ---, 2019 WL 3021791 (July 10, 2019).
- Representing FPR II, LLC before the Washington Court of Appeals in a tax refund action related to B&O tax classifications.
- Representing Presbytery of Seattle before the Washington Court of Appeals and Washington Supreme Court in cases addressing the ecclesiastical deference doctrine and church governance and property issues.
- Representing United Farmers of Alberta before the U.S. Court of Appeals for the Ninth Circuit in case challenging damages awarded for tortious interference and fraudulent transfers.
- Representing State Treasurer in case challenging allocation of municipal bonds among would-be purchasers. Dismissal of all claims was affirmed on appeal. See *Access the USA, LLC v. State*, 2018 WL 1709674 (April 9, 2018).
- Representing Grocery Manufacturers Association before the Washington Court of Appeals in an appeal raising First Amendment and Eighth Amendment challenges to penalties imposed under the Fair Campaign Practices Act.
- Representing an aerospace corporation before the United States Supreme Court in opposing certiorari to the U.S. Court of Appeals for the Ninth Circuit.
- Representing Premera Blue Cross before the Washington Court of Appeals in case challenging administrative decision on proposed corporate reorganization and creation of charitable foundations. See *Premera v. Kreidler*, 133 Wash. App. 23, 131 P.3d 930 (2006).
- Representing employer in appeal of judgment recovered by former executive for breach of contract. Case involves, among other things, promissory estoppel and complex contract damages questions as well as a due process claim based on trial court misconduct.
- Representing municipalities in litigation challenging regulations of adult cabarets. See *Ino Ino, Inc. v. City of Bellevue*, 132 Wn.2d 103, 937 P.2d 154 (1997); *Déjà Vu-Everett-Federal Way, Inc. v. City of Federal Way*, 96 Wash. App. 255, 979 P.2d 464 (1999).
- Representing Visio Corp. before the Washington Court of Appeals in a case addressing the scope of issue preclusion in administrative proceedings. See *City of Seattle, Exec. Servs. Dep't v. Visio Corp.*, 108 Wash. App. 566, 31 P.3d 740 (2001).
- Representing Microsoft before the U.S. Tax Court and the U.S. Court of Appeals for the Ninth Circuit. See *Microsoft Corp. v. Comm'r of Internal Revenue*, 115 T.C. 228, 2000 WL 1310664 (2000); *Microsoft Corp. v. C.I.R.*, 311 F.3d 1178 (9th Cir. 2002).
- Representing exchanges that challenge the Department of Revenue's apportionment of revenue and assessment of B&O tax.

- Representing survivor in pro bono appeal from the denial of a sexual assault protection order. See *Nelson v. Duvall*, 197 Wn. App. 441 (2017).
- Representing life insurer in case challenging interpretation of suicide clause and its application to a backdated policy. See *Digitalchemy, LLC. v. John Hancock Ins. Co.*, 2019 WL 5698789 (Nov. 4, 2019).