

Rising Star: Osborn Maledon's Eric M. Fraser

By Julia Arciga

Law360 (July 9, 2020, 4:04 PM EDT) -- Eric M. Fraser of Osborn Maledon PA took a lead role representing the city of Phoenix as it defended an anti-discrimination law in a highly publicized Arizona Supreme Court case over LGBTQ rights and religious freedom, earning him a spot among the appellate law practitioners under age 40 honored by Law360 as Rising Stars.

WHY HE'S AN APPELLATE ATTORNEY:

For Fraser, the prospect of working on the difficult questions in the law drew him to try to make a "dent in the universe" through the appellate field.

He said his reasons for becoming an appellate attorney are not all that different from the reasons he was drawn to get his undergraduate degree in physics.

"There's more of a direct line than you might think. Physics is about solving the world's hard problems and I've picked a specialty in the law that is about solving the world's hard problems — it's just a different set of problems," he said. "Both physicists and, I think, appellate lawyers enjoy working on the toughest problems they can find."

While Fraser said other fields of law explore hard issues, he felt that appellate law was where "new ground" was being broken and where "unsettled and uncharted" questions were at the forefront.

THE BIGGEST CASE IN HIS CAREER:

Fraser said his role as the lead appellate counsel in *Brush & Nib v. City of Phoenix* before the Arizona Supreme Court in 2019 was the biggest case of his career thus far due to it dealing with the question of LGBTQ rights and its high-profile nature.

"It's one of those cases that comes around just once in your career," he said.



Eric M. Fraser
Osborn Maledon

Age: 37
 Home base: Phoenix
 Position: Partner
 Law school: University of Chicago Law School
 First job after law school: Clerkship for U.S. Circuit Judge Douglas H. Ginsburg of the D.C. Circuit

The case revolved around a wedding invitation company that wanted to refuse its services for same-sex weddings, much like the Masterpiece Cakeshop case that the U.S. Supreme Court decided on in 2018. Fraser represented the government in the Arizona matter, defending the anti-discrimination law being challenged.

"The way I knew it was a big deal was because when I went to argue the case in the courtroom, it was completely full the moment the court opened its doors that morning," he said, recalling that even the court's overflow room for the public to watch the proceedings was jampacked.

Fraser also said the case was a difficult one because it concerned the "tension between fundamental rights" — in this case, the right not to be discriminated against versus the right to exercise religion.

"When you're pitting people against each other for things that go to their core, their foundations of who they are, it's really difficult," he said. "[They're] some of the toughest cases courts have to resolve."

HIS PROUDEST MOMENT AS AN ATTORNEY:

Despite being involved in cases attracting national attention, Fraser said his proudest moment was the conclusion of the first case he had ever argued.

"Honestly, I think I'll never recreate the feeling that I had when I got my opinion in my very first case that I argued," he said. "I was a second-year associate and the case was a relatively minor case, and I've obviously had much bigger cases since then, but there's nothing like the feeling you get that very first time."

At the time, Fraser said he felt nervous about his first oral argument, but getting the opinion gave him a boost of confidence.

"It was a difficult case and to finally get that very first opinion, it felt like, 'Oh, I can do this,'" he said.

HOW HE THINKS THE LEGAL INDUSTRY WILL CHANGE IN THE NEXT 10 YEARS:

Fraser said he thinks the legal industry will get more specialized as time goes on. While the "first wave" of specialization in the legal field was subject-matter oriented, he thinks the next big wave of change will come in the form of procedural specialization.

"Sophisticated clients are seeing the value in having someone who knows the appellate court and appellate practice inside and out, so I think you'll see that more," he said, adding that lawyers known for getting preliminary injunctions or temporary restraining orders could become more common.

He also said he hopes that law students and future attorneys will look beyond the biggest markets to establish their careers, stating that secondary markets hold a lot of opportunities.

"I started my legal career in Washington, D.C., and I've lived in Los Angeles, Chicago and Boston ... and I think the center of the country is underrated in terms of interesting legal things that are happening," he said.

WHAT MOTIVATES HIM:

Fraser said he is motivated to get the law right, and correct what he feels are issues in legal interpretations.

"Every lawyer has read opinions where they scratch their head and think, 'How did that happen? That seems wrong,'" he said. "When I see that, I often try to seek out clients who want to get that issue up before the appellate courts again — and that's my way to work on really interesting, tough legal questions."

— *As told to Julia Arciga*

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2020 Rising Stars winners after reviewing more than 1,300 submissions. Attorneys had to be under 40 as of April 30, 2020, to be eligible for this year's award. This interview has been edited and condensed.