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WIGGIN AND DANA



Aaron S. Bayer

SPECIAL COUNSEL

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Aaron is Special Counsel and co-chair of the firm's Education Practice Group. He previously chaired the firm's Appellate Practice Group and continues to handle complex appeals. Based on his experience in government, he also advises companies and non-profit organizations on government regulatory matters and investigations.

Aaron draws on his experience in positions in higher education and government to advise colleges, universities, private secondary schools, and non-profit organizations on the complex legal, regulatory, and public relations issues they regularly face. His advice is tempered by a deep understanding of the culture and operations of colleges and universities, having served as General Counsel and Secretary of Connecticut College. In that position, he coordinated the work of the Board of Trustees, advised the college's President, and oversaw all of the college's legal affairs, including litigation, contracts, internal policies and procedures, and compliance with state and federal law. He also served as Acting Vice President for Advancement and taught Constitutional Law at both Connecticut College and the U.S. Coast Guard Academy.

An accomplished appellate lawyer and a Fellow of the American Academy of Appellate Lawyers, Aaron has argued numerous high-profile cases before state and federal appeals courts in Connecticut and around the country. He has written on appellate issues, including an appellate column for the *National Law Journal*. Since 2006, he has been named in *The Best Lawyers in America* for his work as an appellate lawyer and was named Hartford Appellate Practice "Lawyer of the Year." Aaron was also honored as a "Litigation Star" by *Benchmark Litigation* in the categories of Appellate, General Commercial, and Higher Education Law.

Aaron previously served as the Deputy Attorney General of Connecticut and as counsel to the U.S. Senate Governmental Affairs Committee and to U.S. Senator Joseph Lieberman. As Deputy Attorney General, he oversaw the work of the Office's 200 attorneys, which included advising the governor, legislature, and all agency heads; representing the state in all civil litigation; and investigating misconduct by state officials. He managed some of the Office's most complex and politically sensitive cases. Aaron draws on that government experience in advising clients on a wide array of government regulatory matters and investigations—providing legal guidance that is shaped by an understanding of the related government and public relations issues that clients face.

Aaron also has significant experience working with nonprofit organizations. He has served on many nonprofit boards of directors, including serving as the Chair of Connecticut Legal Services, Vice President of the Connecticut Foundation for Open Government, and a director of the Connecticut Public Affairs Network.

He is a longstanding advocate of open government, winning awards from the Society of Professional Journalists and the Freedom of Information Commission. He served on the Judicial Task Force on Public Access, established by the acting Chief Justice of the Connecticut Supreme Court to increase public access to the courts, and chaired the Committee on Access to Judicial Proceedings, which recommended expanding media coverage of court proceedings.

Aaron received his J.D. *cum laude* from Harvard Law School, where he was Editor-in-Chief of the *Harvard Civil Rights-Civil Liberties Law Review*, and his B.A. *summa cum laude* from Yale University. After law school, he was a clerk to Judge Harry T. Edwards of the U.S. Court of Appeals for the D.C. Circuit.

Education

- Harvard Law School (J.D., 1980)
    - cum laude
- Yale University (B.A., 1977)
    - summa cum laude and Phi Beta Kappa

Bar Admissions

- Connecticut

Court Admissions

- US Court of Appeals for the First Circuit
- US Court of Appeals for the Second Circuit
- US Court of Appeals for the Third Circuit
- US Court of Appeals for the Sixth Circuit
- US Court of Appeals for the Tenth Circuit
- US Court of Appeals for the District of Columbia Circuit
- US District Court (District of Connecticut)
- US Supreme Court

Distinctions

- Lifetime Achievement Award, ALM New England Legal Awards (2023)
- Champion of Open Government Award, Connecticut Council on Freedom of Information (2011)
- Connecticut Judicial Branch Article Vth Award for service on Public Access Task Force (2006)
- E. Bartlett Barnes Freedom of Information Award for “contributions to open and accountable government” (awarded by FOIC, February 2000)

- Freedom of Information Award from Connecticut Society of Professional Journalists (February 2000)
- Selected as Connecticut Bar Foundation James W. Cooper Fellow

Memberships and Affiliations

- American Academy of Appellate Lawyers
  - Fellow
- Connecticut Bar Foundation
  - Cooper Fellows Education and Program Committee
- Connecticut Legal Services
  - Chair (2008-2009)
  - Vice Chair (2007-2008)
- Connecticut Foundation for Open Government
  - Vice President (2001-2015)
  - Board Member (2001 – Present)
- Connecticut Judicial Branch Public Access Task Force
  - Appointed by Chief Justice (2006)
- Connecticut Judicial Branch Public Access Task Force
  - Chair, Committee on Access to Judicial Proceedings, (2006)
- Connecticut Public Affairs Network
  - Board Member (2012 – Present)
- International Festival of Arts & Ideas
  - Board Member (2005-2007)

Publications

May 20, 2024
2024 Title IX Regulations: Planning for the Significant Expansion of Employee Training Requirements

June 29, 2023
Supreme Court Update: Mallory v. Norfolk Southern Railway Co. (No. 21-1168), Counterman v. Colorado (No. 22-138), Coinbase, Inc. v. Bielski (No. 22-105)

June 27, 2023
Supreme Court Update: Arizona v. Navajo Nation (No. 21-1484), Yegiazaryan v. Smagin (No. 22-381), Pugin v. Garland (No. 22-23)

May 21, 2020
Conducting a Live Hearing with Cross-Examination Under the New Title IX Rules

May 7, 2020
Attorneys Aaron Bayer, Benjamin Daniels and Amanda Brahm's Title IX Advisory Published by The National Law Review
The National Law Review

May 7, 2020
The Department of Education Issues Final Title IX Regulations

May 4, 2020
Students Demand Tuition Reimbursement for COVID-19 Learning Disruptions

February 3, 2020
Federal Court Issues Temporary Injunction Ordering University to Take Back Student Suspended for Sexual Assault

December 6, 2019
CCIC Publishes "College Tuition in Jeopardy: Clawback of Tuition Payments Made By Parents"

November 25, 2019
College Tuition in Jeopardy: Clawback of Tuition Payments Made By Parents

September 15, 2019
University Wins Important Tuition Claw-Back Case

February 12, 2018
Faculty Non-Poaching Agreements Pose Significant Antitrust Risks

September 8, 2017
Education Secretary Signals Shift in Title IX Policy for Dealing with Sexual Misconduct Allegations

July 27, 2017
Amicus Brief: Tuition Claw Back Case Mark G. DeGiacomo v. Sacred Heart University, Inc.

June 14, 2017
Connecticut Tuition Claw-Back Legislation

May 3, 2017
Immigration Briefing: What Educational Institutions, Faculty/Staff and Students Need to Know

August 11, 2016
Second Circuit Revives Title IX Reverse Discrimination Suit against Columbia University

July 13, 2016
Lessons from Fisher v. University of Texas

May 27, 2016
With Jurors, Make Sure Goodbye Means 'Forever'
The National Law Journal

March 28, 2016
Supreme Court Affirmative Action Case Attracts Bevy of Amicus Briefs
Connecticut Law Tribune

March 16, 2016
Massachusetts Supreme Judicial Court Rules in Favor of Equitable Contribution

September 14, 2015
When Judges Rely on Their Own Online Research
The National Law Journal

June 2, 2015
When a Parent Files for Bankruptcy Colleges May Forfeit Tuition Payments

June 1, 2015
Is a 5-4 Ruling Really Enough to Undo Laws?
The National Law Journal

March 10, 2015
Higher Ed Legal Update, March 2015

February 23, 2015
How Fair Are Appellate Panel Selections?
The National Law Journal

October 27, 2014
Tougher Measures for a Continued Lack of Civility
The National Law Journal

July 7, 2014
When Both Sides Agree, But the Dispute Lives On
The National Law Journal

October 28, 2013
Appeal Risk is Big When Opting Out of New Trial
The National Law Journal

July 1, 2013
The Impact of Fisher v. University of Texas on Affirmative Action

June 3, 2013
Judicial Selection Reform: All Over the Map
National Law Journal

May 7, 2013
A Data Privacy and Security Checklist for Management

April 2, 2013
Supreme Court to Rule on State Affirmative Action Ban

January 7, 2013
When can you appeal a summary judgment denial?
The National Law Journal

July 30, 2012
How mandamus and interlocutory appeals interact
The National Law Journal

March 12, 2012
‘I know a frivolous appeal when I see one’
The National Law Journal

October 3, 2011
The Bar to Appellate Review of ‘Matters in Abatement’
The National Law Journal

May 9, 2011
En banc review has declined during the past decade
The National Law Journal

December 6, 2010
Separate-Document Rule Creates Uncertainties
The National Law Journal

June 28, 2010
Television enters high courts in other countries
The National Law Journal

February 8, 2010
The Collateral Order Doctrine After ‘Mohawk’
The National Law Journal

August 24, 2009
Unpublished Appellate Opinions Are Still Commonplace
The National Law Journal

July 10, 2009
Brown & Brown, Inc. v. Blumenthal Amicus Brief

June 23, 2009
Compliance with New Laws on Identity Theft and Protecting Personal Information

April 27, 2009
Home Circuit Rule
The National Law Journal

April 15, 2009
Connecticut Supreme Court Clarifies Application of Property Tax Exemption for Charitable Organizations

December 1, 2008
The Duty of Candor
The National Law Journal

November 15, 2008
Arbitration after Hall Street
For the Defense

July 14, 2008
Appellate Intervention

The National Law Journal

February 29, 2008
Amicus Briefs
The National Law Journal

September 21, 2007
Appellate TV
The National Law Journal

May 7, 2007
The Rule of Necessity
The National Law Journal

December 21, 2006
Connecticut's New Campaign Finance Law Signifies Major Changes for Lobbyists, State Contractors,and Businesses

November 27, 2006
Collateral Order Appeals
The National Law Journal

July 24, 2006
Media Access Appeals
The National Law Journal

March 20, 2006
Vacatur for Mootness
The National Law Journal

November 7, 2005
Interlocutory Jurisdiction
The National Law Journal

July 4, 2005
MDL Appeals
The National Law Journal

February 28, 2005
Cert. Before Judgment
The National Law Journal

October 18, 2004
Waiver of Arguments
The National Law Journal

June 28, 2004
Arbitration Appeals
The National Law Journal

February 9, 2004
The Cross-Appeal
National Law Journal

December 8, 2003
Judicial Notice on Appeal
The National Law Journal

October 6, 2003
Appealing a Jury Trial Denial
The National Law Journal