



## 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)**

October 29, 2020

**Wiggin and Dana Alumni Newsletter – Fall 2020**

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*