

Robert B. Mitchell

Senior Of Counsel

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OVERVIEW

Robert Mitchell's practice focuses on appeals and the resolution of tax controversies and other complex legal disputes. After completing a judicial clerkship for the Honorable Myron Bright of the United States Court of Appeals for the Eighth Circuit, Rob joined the firm now known as K&L Gates in 1980. He became a partner in January 1986. He led the firm's Seattle office from 2007 to 2012 and transitioned to senior of counsel in January 2025.

ACHIEVEMENTS

- Listed in *The Best Lawyers in America*®
  - Commercial Litigation, 2013-2025
  - Appellate Litigation, 2022-2025

ADDITIONAL BACKGROUND

Rob is a member of the firm's pro bono committee and previously served as the pro bono coordinator for the Seattle office. Rob chairs the legal committee of the Board of Directors for Merton College Charitable Corporation (MC 3). Rob previously served as secretary of the District 14 committee of selection for the Rhodes Trust, 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. Rob 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

INDUSTRIES

- Life Sciences

REPRESENTATIVE EXPERIENCE

- Representing FPR II, LLC before the Washington Court of Appeals in a tax refund action related to B&O tax classifications. See 16 Wash. App. 2d 706 (2021).
- Representing Visio Corp. before the Washington Court of Appeals in a case addressing the classification of activities for B&O tax purposes and the scope of issue preclusion in administrative proceedings. See 108 Wash. App. 566 (2001).
- Represent Microsoft in statutory and constitutional challenge to state taxation of foreign earnings. See 2025 WL 1232828 (Oregon Tax Court April 29, 2025).

- Representing commodity exchanges in a challenge to the Department of Revenue's apportionment of revenue and assessment of B&O tax.
- Representing clients having captive insurance matters before the Washington Office of Insurance Commissioner.
- Representing a brokerage firm before the Washington Court of Appeals in a case addressing arbitrator misconduct.
- Representing the Washington Department of Retirement Systems in cases before the US Court of Appeals for the Ninth Circuit and the Washington Court of Appeals.
- Representing the US Chamber of Commerce and other interested parties as *amici curiae* in state and federal appeals.
- Representing Presbytery of Seattle before the Washington Court of Appeals, the Washington Supreme Court, and the US Supreme Court in cases addressing the ecclesiastical deference doctrine and church governance and property issues. See 10 Wash. App. 2d 696, cert. denied, 141 S. Ct. 1371 (2021).
- Representing Freeborn Lutheran Church and Diocese of South, Orthodox Church in America, in disputes with former local church leaders.
- Representing newspapers and broadcasters in cases alleging defamation and false-light invasion of privacy.
- 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. See 198 Wash.2d 136 (2021).
- 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 2019 WL 3021791 (July 10, 2019).
- Representing United Farmers of Alberta before the US 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 2018 WL 1709674 (April 9, 2018).
- Representing Grocery Manufacturers Association in appeals raising First Amendment and Eighth Amendment challenges to penalties imposed under the Fair Campaign Practices Act. See 198 Wash.2d 888 (2022).
- Representing an aerospace corporation before the United States Supreme Court in opposing *certiorari* to the US Court of Appeals for the Ninth Circuit.

- Representing a health insurer before the Washington Court of Appeals in case challenging administrative decision on proposed corporate reorganization and creation of charitable foundations. See 133 Wash. App. 23, 131 P.3d 930 (2006).
- Representing employer in appeal of judgment recovered by former executive for breach of contract.
- Representing municipalities in litigation challenging regulations of adult cabarets. See 132 Wash.2d 103 (1997); 96 Wash. App. 255 (1999).
- Representing survivor in pro bono appeal from the denial of a sexual assault protection order. See 197 Wash. App. 441 (2017).
- Representing life insurer in case challenging interpretation of suicide clause and its application to a backdated policy. See 2019 WL 5698789 (Nov. 4, 2019).