Thomas H. Dupree Jr.

Partner

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Thomas H. Dupree Jr. is Co-Partner in Charge of the Washington, D.C. office of Gibson Dunn, Co-Chair of the firm's nationwide Appellate and Constitutional Law Practice Group, and a member of the firm's litigation department.

Tom is an experienced trial and appellate advocate. He has argued more than 100 appeals in the federal courts, including in all 13 circuits as well as the United States Supreme Court. He has represented clients throughout the country in a wide variety of trial and appellate matters, including cases involving punitive damages, class actions, product liability, arbitration, intellectual property, employment, and constitutional challenges to federal and state statutes. *Chambers and Partners* has named Tom one of the leading appellate lawyers in the United States every year since 2012, and *The Legal 500* has similarly recognized Tom for years as one of the nation's "leading lawyers."

Tom previously served in the United States Department of Justice. He was appointed Deputy Assistant Attorney General for the Civil Division, and later became the Principal Deputy Assistant Attorney General. In that capacity, he served as the division's second-in-command, overseeing the more than 900 lawyers in the Civil Appellate, Commercial, Federal Programs and Torts branches, as well as the Office of Immigration Litigation and the Office of Consumer Litigation. Tom was responsible for managing many of the government's most significant cases involving regulatory, commercial, constitutional and national security matters on behalf of virtually all of the federal agencies, the White House, and senior federal officials. Before being named the division's top deputy, Tom ran its largest litigating branch, managing a staff of 280 lawyers.

Legal Times has called Tom "no stranger to high-profile work." Among other things, he played a substantial role in the successful representation of George W. Bush before the United States Supreme Court in *Bush v. Gore,* and represented New England Patriots quarterback Tom Brady in challenging his "Deflategate" suspension.

Tom argued and won, by a unanimous 9-0 vote, a landmark personal jurisdiction case in the United States Supreme Court, *Daimler AG v. Bauman*. For this achievement, *American Lawyer* magazine named him Litigator of the Week, noting that he "won over both the liberal and conservative wings of the court."

In 2021, *American Lawyer* again named Tom its Litigator of the Week. This time he was recognized for winning a high-profile appeal in the midst of the chaos enveloping the U.S. Capitol on January 6.

Other matters Tom has handled include:

- Persuading the Supreme Court to grant a petition for certiorari on behalf of a major automobile manufacturer and to vacate a $290 million punitive damage award, which had been the largest personal injury award ever affirmed on appeal in United

Capabilities

Appellate and Constitutional Law
Litigation
Trials

Credentials

Education

University of Chicago - 1997 Juris Doctor
Williams College - 1992 Bachelor of Arts

Admissions

District of Columbia Bar

Clerkships

US Court of Appeals, 5th Circuit, Hon. Jerry E. Smith, 1997 - 1998

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States history.

- Winning an appeal on behalf of Jerry and Jessica Seinfeld in the United States Court of Appeals for the Second Circuit in a copyright and trademark case involving the New York Times #1 bestselling book *Deceptively Delicious*.
- Winning multiple cases for Churchill Downs concerning the eligibility of horses to race in the Kentucky Derby.
- Winning an appeal for singer-songwriter Bob Dylan in a multimillion-dollar breach of contract case.
- Successfully representing Facebook CEO Mark Zuckerberg in a federal lawsuit arising from the plaintiff's fraudulent claim of a significant ownership stake in Facebook.
- Successfully representing superagent Scott Boras in confidential baseball-related arbitrations.

Tom appears frequently on national television as a legal analyst. He is a regular guest on Fox News Channel and CNN. He has also appeared on CBS Evening News, NBC Nightly News, PBS NewsHour, ABC World News Tonight, and Good Morning America, as well as on MS NOW, CNBC, Bloomberg, Court TV, and C-Span. He has been quoted in numerous print publications, including the *New York Times*, *Wall Street Journal*, *Washington Post*, and others, discussing legal issues and developments. In addition, Tom has testified before Congress on constitutional and separation-of-powers issues, including the President's authority to act through executive order.

Tom graduated *cum laude* from Williams College, and with Honors from the University of Chicago Law School, where he served as an Editor of the *University of Chicago Law Review*. After law school, he clerked for the Honorable Jerry E. Smith of the United States Court of Appeals for the Fifth Circuit.

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