



GIBSON DUNN  
OUR APPELLATE AND  
CONSTITUTIONAL LAW  
PRACTICE



**Gibson, Dunn & Crutcher** is a full-service international law firm representing the majority of all Fortune 100 and Fortune 500 companies. Our nationally renowned Appellate and Constitutional Law Practice Group is at the core of the Gibson Dunn experience. With one of the largest and most knowledgeable U.S. appellate practices, we fight hard to protect our clients' litigation victories and routinely win the "unwinnable" appeals.

### **Renowned U.S. Supreme Court Advocacy**

No law firm has a stronger record of success in representing clients before the Supreme Court of the United States.

- Gibson Dunn lawyers have argued more than 150 cases before the Supreme Court.
- Twelve of our current attorneys have argued before the Supreme Court.
- Our Supreme Court victories have been some of the biggest in history, including *Bush v. Gore*, *Citizens United v. Federal Election Commission*, *Hollingsworth v. Perry*, *Wal-Mart Stores, Inc. v. Dukes*, *Alice Corp. v. CLS Bank International*, *National Labor Relations Board v. Noel Canning*, *Daimler AG v. Bauman*, and many more.

### **Unparalleled Federal and State Appellate Advocacy**

We are also unmatched in advocacy before the federal and state courts of appeals.

- Gibson Dunn attorneys argue one appeal approximately every three business days.
- Each year, we brief and argue federal appeals in every regional circuit, the D.C. Circuit, and the Federal Circuit.
- We also argue dozens of state court appeals annually. Numerous currently serving state solicitors general began their careers at Gibson Dunn.

## SELECT ACCOLADES



*U.S. News – Best Lawyers®* “Best Law Firms” named Gibson Dunn the 2018 “Law Firm of the Year” for Appellate Practice. Only one law firm is recognized in each national practice area.



*Benchmark Litigation* recognized Gibson Dunn as the Appellate Firm of the Year at its 2018 U.S. Awards dinner and honored the firm for its victories in *SEC v. Tilton/Patriarch Partners* and *Partner Fund Management v. Theranos*.



*Chambers USA: America’s Leading Lawyers for Business 2018* ranked Gibson Dunn in Tier 1 nationwide in the category of Appellate Law.



*Law360* named Gibson Dunn as a 2017 Practice Group of the Year for Appellate, in recognition of the firm’s “‘beginning to end’ approach to appellate work” and “unusually deep bench even for major appellate practices.”



*The National Law Journal* named Gibson Dunn to its 2017 Appellate Hot List, which recognized 20 firms that “posted hard-fought wins at the U.S. Supreme Court or in federal circuit courts.”



*The American Lawyer* named Gibson Dunn a Finalist in its 2018 Litigation Department of the Year competition, following the firm’s unprecedented three wins in this biennial competition – as the 2010, 2012 and 2016 Litigation Department of the Year – and 2014 Finalist honors.



In its 2016 Litigation Department of the Year competition, *The American Lawyer* named Gibson Dunn the winner in the White Collar/Regulatory category, calling our appellate work in these areas “exceptional” and “involving areas where there was little law on the books.”

*“Premier standing in the appellate arena, calling upon a formidable array of outstanding litigators to offer a wealth of experience before the US Supreme Court and state and federal courts nationwide.”*

*Chambers USA 2018*





## OUR TEAM

Gibson Dunn has more than 200 lawyers who practice appellate and constitutional law in nine offices across the United States.

Our current and former practice group leaders include some of the most widely recognized appellate attorneys in the country, including Theodore Olson, Nicole Saharsky, Miguel Estrada, Mark Perry, Theodore Boutrous Jr., Caitlin Halligan, and Daniel Kolkey.

Three of our partners served in the Office of the Solicitor General of the United States, the office charged with representing the United States before the U.S. Supreme Court. Mr. Olson was the U.S. Solicitor General from 2001 to 2004, Mr. Estrada served as Assistant to the Solicitor General from 1992 to 1997, and Ms. Saharsky served as Assistant to the Solicitor General from 2007 to 2017. In addition, Ms. Halligan served as Solicitor General for the State of New York from 2001 to 2007. Mr. Kolkey previously served as an Associate Justice on the California Court of Appeal, Third Appellate District. Numerous other partners have held high-ranking government positions, including Helgi Walker, Eugene Scalia, Tom Dupree, Allyson Ho, and Stuart Delery.

Gibson Dunn is also home to more than 200 attorneys who served as law clerks in the federal and state appellate courts, including 20 who clerked at the U.S. Supreme Court. In addition, three of our lawyers held the prestigious Bristow Fellowship awarded by the U.S. Solicitor General.

### Current and Former Practice Group Leaders:



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## OUR APPEALS

Gibson Dunn's cases have set precedent, made headlines, changed the law, and altered landscapes. From business and government to major social issues, our practice and lawyers have had, and will continue to have, a lasting impact.

### Representative U.S. Supreme Court Successes



**Class Actions.** In *Wal-Mart v. Dukes* (2011), we obtained a landmark victory for the world's largest retailer when the Supreme Court unanimously reversed class certification of the biggest employment discrimination class in history. In *Comcast Corp. v. Behrend* (2013), we secured a victory for Comcast when the Supreme Court reversed an order certifying a class of more than two million Comcast subscribers and placed new limits on classwide damages. And in *Standard Fire Insurance Co. v. Knowles* (2013), we secured a unanimous Supreme Court decision for Standard Fire enforcing the Class Action Fairness Act.



**Patents.** In *Alice Corp. v. CLS Bank International* (2014), we obtained a unanimous Supreme Court victory for CLS Bank, which handles trillions of dollars in foreign currency transactions daily, holding that Alice Corporation's financial service software patent was patent-ineligible because it was drawn to the abstract idea of intermediated settlement.



**Personal Jurisdiction.** In *Daimler AG v. Bauman* (2014), we won a unanimous judgment for Daimler that the U.S. Constitution prohibits a U.S. court from exercising general personal jurisdiction over a non-U.S. corporation with no employees or facilities in the United States. And in *BNSF Railway v. Tyrrell* (2017), we secured an 8-1 decision for BNSF that established that a state may not exercise general personal jurisdiction over a railroad simply because the railroad does business in that state.



**Federal Preemption.** In *Commonwealth of Puerto Rico v. Franklin California Tax-Free Trust* (2016), the Supreme Court ruled in favor of our client, a bondholder in Puerto Rico's largest electric utility, holding that Puerto Rico's Public Corporation Debt Enforcement and Recovery Act, which purported to create a binding bankruptcy-like debt-restructuring regime for the Commonwealth's highly indebted public entities, was preempted by federal law. In *Aetna Health Inc. v. Davila* (2004), we won a landmark victory for Aetna and CIGNA when the Supreme Court unanimously held that the Employee Retirement Insurance Security Act of 1974 completely preempts state-law actions by participants and beneficiaries of employee health benefit plans for matters relating to the plans' coverage decisions. And in *Coventry Health Care of Missouri, Inc. v. Nevils* (2017), we obtained a victory for Coventry when the Supreme Court unanimously held that the Federal Employee Health Benefits Act preempts state laws that purport to regulate the administration of federal health benefits.

**Constitutional Protections.** In *Lucia v. SEC* (2018), we persuaded the Supreme Court to hold that the Securities and Exchange Commission’s administrative law judges are “Officers of the United States” who must be appointed in conformity with the Appointments Clause of the U.S. Constitution. And in *Murphy v. National Collegiate Athletic Association* (2018), we convinced the Supreme Court to strike down federal limits on sports gambling. In *NLRB v. Noel Canning* (2014), on behalf of Senate Republican Leader Mitch McConnell and 44 other U.S. Senators, we persuaded the Supreme Court to unanimously affirm a landmark separation-of-powers decision that held unconstitutional three 2012 appointments to the National Labor Relations Board made by former President Obama. In *Hollingsworth v. Perry* (2013), Gibson Dunn obtained a historic marriage equality victory that left intact the district court’s broad injunction against the enforcement of California’s Proposition 8, an amendment to the California Constitution restricting marriage in the state to between one man and one woman. In *Citizens United v. Federal Election Commission* (2010), Gibson Dunn obtained a groundbreaking campaign finance victory that established the First Amendment right of corporations to engage in political speech. And in *Bush v. Gore* (2000), and *Bush v. Palm Beach County Canvassing Board* (2000), Gibson Dunn successfully served as lead counsel for candidate George W. Bush in federal court litigation stemming from the disputed ballot counting in Florida during the 2000 U.S. presidential election.

## WHAT OUR CLIENTS SAY . . .

*“They obviously have an all-star roster ... [b]ut you also know that behind them is an army.”*

*Colin Stretch – General Counsel, Facebook Inc.  
The American Lawyer, January 2018*

*“Partner to partner, associate to associate, case to case, there’s no firm we’ve worked with that is better than the Gibson folks.”*

*John Schultz – General Counsel, HP Enterprise  
The American Lawyer, January 2018*

*“If there’s a better-managed large law firm in the world, it hadn’t been pointed out to me.”*

*R. Hewitt Pate – General Counsel, Chevron  
The American Lawyer  
Gibson Dunn named Litigation Department of the Year, January 2016*

*“They’re probably the best appellate lawyers in the country, they’re the best of the best in writing briefs.”*

*Client commentary  
Chambers USA 2017  
Gibson Dunn ranked in Tier 1 for Appellate Litigation*

