

d.c. litigation departments of the year

GENERAL LITIGATION WINNER

GIBSON, DUNN & CRUTCHER

GIBSON, DUNN & CRUTCHER HAS LONG had a knack for taking on fights that will shape the law. This year proved no exception, as the litigation powerhouse scored wins in an unprecedented press pass dispute with the Trump administration and a major challenge to how the Securities and Exchange Commission appointed its in-house administrative law judges.

Large law firms like Gibson Dunn often get a reputation for being defense-oriented. But F. Joseph Warin, the chair of the litigation department in the firm's Washington, D.C., office, says the firm is lucky to have clients who come to the firm to bring affirmative challenges, often resulting in fights that knock down statutes and regulations. "We take a matter where a) the stakes are high, and b) the mountain is treacherous, but we're able to create the types of arguments that courts find successful," Warin said.

One case that proves that point is the firm's representation of CNN White House correspondent Jim Acosta, after the White House revoked his press pass following a contentious November 2018 press conference with the president.

A team from Gibson Dunn, led by partner Ted Boutros, quickly filed suit in Washington, D.C., federal court and represented Acosta in an emergency hearing before Judge Timothy Kelly. Within about a dozen days, Acosta's pass was restored.

Joshua Lipshutz, a partner who was involved in the case, described the press pass revocation as unprecedented. "We did what Gibson Dunn does best," Lipshutz said. "We got back to first principles and looked at what the constitution is there to protect. It's there to protect exactly against this type of action from the government."



The firm also scored a major win in June 2018 when the U.S. Supreme Court ruled in its favor in a case dealing with the appointment process for SEC administrative law judges. Gibson Dunn's challenge, brought on behalf of former investment adviser Raymond Lucia, was an uphill one: the firm was pitting itself against the Department of Justice (although it would later switch positions), and it initially lost at the D.C. Circuit.

However, Mark Perry, the lead partner in the case, said the key to their success was "paying close attention to the Supreme Court's jurisprudence."

Ultimately, the firm prevailed when the Supreme Court ruled, 7-2, that the SEC's administrative law judges were "officers," not mere employees, of the United States.

The ripple effects of the ruling are already beginning to show: the decision has set off a cascade of lawyers injecting constitutional arguments in enforcement proceedings against their clients.

—ELLIS KIM

firm facts

Name of firm: Gibson, Dunn & Crutcher
Founded: Los Angeles
Total number of attorneys: 1,386
Litigators as percentage of firm: 57.7%
Litigators as percentage in D.C.: 83.9%
Litigation partners firmwide: 201
Litigation associates firmwide: 566
D.C. litigation partners: 48
D.C. litigation associates: 136

keys to success

■ Having an unyielding passion for the client's objectives, understanding that no mountain is too tall to climb, and a completely integrated team effort is key to success.

—F. Joseph Warin