

Daily Journal

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Hamburger is a litigation partner at Gibson Dunn whose practice focuses on class actions and complex cases in trial courts and on appeal. He is a member of the firm’s class actions, appellate and constitutional law group, its labor and employment group and its law firm defense group.

Following his graduation from Harvard Law School in 2009, he clerked for U.S. District Judge James V. Selna of Santa Ana and then joined Gibson Dunn. “Clerking for Judge Selna was a great experience. It’s the best job in law because it’s a great introduction to practice,” Hamburger said. “You see everything in the Central District—patents, employment, a very busy chambers. He regularly holds argument on almost every motion, so I saw a lot of writing and oral advocacy.”

Legal writing is key, Hamburger added. “It’s a lawyer’s stock in trade, and my skill set is strongest in that area. Often, your only chance to present your case is in briefs.”

Hamburger was a key member of a team that scored a significant win for Comcast Corp. at the U.S. Supreme Court in a \$20 billion lawsuit alleging race discrimination in contracting. *Comcast Corp. v. National Association of African American-Owned Media*, 18-1171 (S.Ct., op. filed March 23, 2020).

The justices voted 9-0 to vacate and remand a ruling by the 9th U.S. Circuit Court of Appeals. The high court held that a plaintiff who sues for racial discrimination in contracting must show throughout the lawsuit that race was a but-for cause of any alleged injury.

Hamburger, who was present for the argument in November 2019, said the case

turned on causation standards set in 1866. “I’m a law nerd, so a debate of that kind was very interesting to me.” Also, he was admitted to the court and presented with the traditional white quill pen. “And I got to sit as second chair to Miguel Estrada,” he said, referring to the veteran Gibson Dunn Supreme Court litigator.

Separately, after a jury awarded more than \$246 million in damages to a former auto dealer in a dispute with the automaker’s financing arm, Gibson Dunn joined the case and Hamburger played a leading role in wiping out the judgment on appeal. *Nissan Motor Acceptance Corp. v. Superior Automotive Group LLC*, G055748 (4th DCA, op. filed April 29, 2021).

The issue was alleged misconduct by a juror who concealed her son’s work in the auto industry and injected extraneous information about Nissan into jury deliberations. “The trial judge agreed it was misconduct and the appeal court agreed with us on the deferential standard and affirmed,” Hamburger said. “We remain on the case.”

Hamburger said he’d been asked by his mentor at the firm, Theane D. Evangelis, the co-chair of Gibson Dunn’s litigation practice group, if he wanted to work on pro bono cases and he enthusiastically agreed. He’s since worked for several years to cancel the deportation of a legal permanent resident who has resided in the U.S. for 57 years.

“It’s a textbook case for discretionary relief,” Hamburger said.

— John Roemer



BRADLEY J. HAMBURGER

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LOS ANGELES

LITIGATION

AGE: 38