

Texas Powerhouse: Gibson Dunn

By **Katie Buehler**

Law360 (August 2, 2021, 2:02 PM EDT) -- Gibson Dunn & Crutcher LLP landed a spot as a 2021 Texas Powerhouse by showcasing its penchant for innovation as it convinced a Texas appellate court to overturn a record-setting \$740 million state trade secrets jury verdict and advised on a first-of-its-kind sustainability-backed bond offering.

The California-based legal powerhouse first established roots in the Lone Star State in the 1980s when it opened its Dallas office, but has since expanded, opening a Houston office in 2017. As of May 1, about 92 of the firm's more than 1,200 U.S. attorneys work in Texas, advising clients in the energy, health care, technology and financial industries, among others.

Trey Cox, co-partner-in-charge of the firm's Dallas office, said Gibson Dunn's roster is made up of talented attorneys with high levels of expertise. In Texas alone, the firm has three former U.S. Supreme Court clerks, Cox said, and two more will be joining in the next class of attorneys. And in April, Gibson Dunn welcomed back former Texas Solicitor General Kyle Hawkins, who Cox believes will help grow the firm's litigation practice in Houston.

"The talent and experience they have sets us apart," Cox said. "It allows us to have this absolutely blue chip list of clients."

Litigation partner Allyson N. Ho is one of the firm's former Supreme Court clerks, working for former Justice Sandra Day O'Connor as well as former Fifth Circuit Judge Jacques L. Wiener Jr. before joining Gibson Dunn. She was part of the team that convinced the Fourth Court of Appeals in San Antonio to reverse a \$740 million trade secrets theft and fraud judgment for real estate analytics company HouseCanary Inc. in June 2020.

Representing Amrock, formerly known as Title Source Inc., Ho and her team argued that flawed jury instructions required a new trial in the case, which included more than \$470 million in punitive damages against Amrock. The court found bribery and espionage were wrongly included in the definition of "improper means" submitted to the jury despite there being no evidence that Amrock acquired the trade secrets through those means.

Ho attributes the firm's litigation success to how it views its relationship with clients.



"We really work hand-in-hand with them to solve their most pressing, challenging problems," she said. "We're in the trenches with our clients as they engage in these litigation battles."

Gibson Dunn also doesn't allow geographical barriers to prohibit the firm from putting together the best team possible for a client, litigation partner Andrew LeGrand added.

"Our approach to every case is to match our clients' needs with our firms' expertise," he said. "It doesn't matter where that expertise is located, it doesn't matter who has that expertise, it doesn't matter where the litigation is located."

Outside the courtroom, Gibson Dunn's corporate team had its hands in several billion-dollar deals this past year, including Kimberly-Clark Corp.'s \$1.2 billion purchase of personal care products maker Softex Indonesia in September 2020.

Jeff Chapman, a corporate partner who worked on the deal, said it was fascinating to be a part of the negotiations, which were indicative of the COVID-19 pandemic. Instead of flying off to Singapore to hash out the details in dozens of face-to-face meetings, he negotiated the terms via Zoom and phone calls from his own home, he said.

Gibson Dunn also handled several consolidations and joint ventures, especially in the energy industry, during the global pandemic as companies took advantage of the market's strong rebound.

In April, the firm represented The Woodlands, Texas-based Talen Energy in its \$2 billion joint venture with Houston-based Pattern Energy Group LP to develop approximately 1.4 gigawatts of utility-scale renewable energy projects over the next five years.

Talen, traditionally an energy generation and infrastructure company, saw the opportunity to flip its business strategy and become an energy transition company, corporate partner Hillary Holmes said.

In March, Gibson Dunn helped water infrastructure company Solaris Midstream Holdings LLC make a huge business change as well, guiding the company in a pioneering \$400 million sustainability-linked bond issuance. Holmes said the firm pushed Solaris, a first-time client, to venture into the world of green finance.

"We knew they needed a team that did nothing less than an A+ job on a bond offering and can guide the company through its first bond offering," Holmes said. "But once we had gained their trust on that, we said 'Let us challenge you a bit.'"

Sustainability-linked bonds began in Europe and require businesses to commit to specific environmental goals or face penalties. They also offer lower interest rates than straight bonds, Holmes said.

"This concept of thinking outside the box saved the company real money and raised the profile of the company," she said.

--Editing by Ellen Johnson.