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LEADING COMMERCIAL LITIGATORS 2024



**THEODORE J.
BOUTROUS JR.**

Gibson, Dunn &
Crutcher LLP

Los Angeles

Litigation

Representing a lone journalist wrongly arrested by Los Angeles County sheriff's deputies or a major corporation fighting an oil well ban, Theodore J. Boutrous Jr.'s caseload as a prominent Gibson, Dunn & Crutcher LLP litigator spans a broad array of causes.

Reflecting his status, he is a member of the American Law Institute and a Fellow of the American Academy of Appellate Lawyers.

Also on his docket: fighting a subpoena by the SEC for an international law firm's client names and defending the oil industry against two dozen climate change cases across the country.

"My practice cuts across so many different areas," Boutrous said. "It keeps things very interesting."

Boutrous joined Gibson Dunn's Washington, D.C., office in 1987 and said he soon realized that many of the cases he was handling were national in scope. He moved to Los Angeles in 2000. "When I got to California, the number of national cases expanded even more," he said.

His most recent win was hyperlocal: On Nov. 7, Boutrous obtained a \$700,000 settlement for Josie Huang, a reporter for NPR member station LAist 89.3 who was violently tackled and arrested in 2020 by deputies while covering a protest that followed a press conference by then-Sheriff Alex Villanueva.

It was the largest award to a journalist that year. After Boutrous and colleagues provided a draft civil rights complaint to Los Angeles County officials, they agreed to a deal that included training and briefing requirements for deputies encountering journalists. And Gibson Dunn, working with the Reporters Committee for Freedom of the Press, also obtained a finding of factual innocence from the Superior Court that wiped the arrest from Huang's record.

"The monetary settlement sends a message and the training will sensitize

officers on how to deal with journalists," Boutrous said.

In August, he won a unanimous state Supreme Court decision for client Chevron, USA Inc. The justices held that a Monterey County ballot initiative seeking to ban new oil and gas wells is preempted by state law. He'd obtained the same result at a bench trial and at the Court of Appeal. It was his fourteenth argument before the high court. *Chevron, USA Inc. et al. v. County of Monterey*, S271869 (Ca. S. Ct., op. filed Aug. 3, 2023).

"The law in California had been a little unclear on preemption standards in this area, and we got a very clarifying opinion," Boutrous said.

For Covington & Burling LLP, in September, Boutrous fended off an SEC subpoena enforcement action seeking the names of 289 clients whose data was compromised in a cyberattack on the firm's network. He and his team solicited four amicus briefs supporting Covington, including one by a coalition of 83 leading law firms. *Securities and Exchange Commission v. Covington & Burling LLP*, 1:23-mc-00002 (D. D.C., filed Jan. 10, 2023).

Though the government nearly always wins such cases, a district court denied the SEC's demand regarding 291 of the names. "This was the SEC's new foray into using cyberattacks to launch broad inquiries into victims," Boutrous said. "The SEC should be looking for the attackers."

— JOHN ROEMER