ALM | LAW.COM

THE RECORDER

35 Judges in 44 Days: Gibson Dunn's Ted Boutrous on His 'Record' Argument Streak

By Kat Black
April 8, 2026

Ted Boutrous has just set what he calls a "personal record": appearances before 35 judges in a little over a month.

Boutrous kicked off the 44-day streak on Feb. 4 with a wildfire class action in the Oregon Court of Appeals and wrapped it up on March 18 with an en banc hearing in the U.S. Court of Appeals for the Sixth Circuit, where he represented State Farm in an insurance case before 17 judges.

"That's the most judges I've ever argued before at one time," he said.

Boutrous's arguments spanned courts across the country—including the U.S. Supreme Court, the California Court of Appeal, the Oregon Court of Appeals, the U.S. District Court for the District of Columbia, the California Superior Court and the Washington Superior Court—and ran a gamut of topics, from an automotive design defect lawsuit (in which he represented defendant Tesla) to a transportation case that could potentially have national implications for the liability of freight brokers.

A judgment in one of the cases—*New York Times v. Department of Defense*—earned the Los Angeles-based litigator and fellow Gibson, Dunn & Crutcher partners Katie Townsend and Susan Pelletier "Litigators of the Week" accolades in late March, when U.S. District Senior Judge Paul Friedman in Washington, D.C., granted summary judgment to The New York Times in a suit challenging the Trump administration's changes to the Pentagon's press policy.

Boutrous shared his favorite details of the whirlwind experience with The Recorder, including lessons learned, most memorable moments and why his exposure to such a "great cross-section of the judiciary in a short period of time" affirmed his faith in the judicial system.

Theodore J. Boutrous Jr. of Gibson, Dunn & Crutcher.

The following has been edited for length and clarity.

How did you prepare for multiple arguments in a row?

It really helps to have a system. So, I've got an argument preparation system that has been handed down in our firm through the years from [now-deceased Gibson Dunn partner] Ted Olson, which really helps when you have multiple arguments to prepare for. ... I juggle the various cases, but then when I get close, within a week or so of the argument, I gradually focus almost exclusively—particularly on an appellate argument—on that particular case. And my preparation system involves just going into the weeds of the record. I've done this enough times, so I have a good methodology for how to review a record for an appeal, for example. And then I'm a big believer in compartmentalizing issues and pieces of the record.

The other thing that is absolutely essential is having great partners and associates and assistants and colleagues, and a team who also knows the system. So I couldn't have done any of this without our great team and we all know how each other works. So, that makes it really efficient and seamless.

I do moot courts that are enormously helpful in getting ready for oral argument. During the 44 days, I did six formal moot courts before panels of lawyers—so another 20 “judges”—playing justices and judges.

What were some highlights of this experience that stood out to you?

Switching topics is really interesting. ... It was a pretty wide range of issues. The Supreme Court is always a memorable experience. ... 10 days before that argument, I was literally just solely focused on that case. ... That was my first time arguing in the Supreme Court under the new system that they have where you get to give a two-minute opening, and then there’s a free-for-all questioning from the justices. But then, each justice can ask you questions, from senior to junior justice. So it was really interesting to get to experience that new method.

What moments from your arguments proved particularly memorable?

The Pentagon/New York Times argument was really thrilling because ... we got a great decision from the court on March 20, but this was back on March 6th. So, following so closely on the heels of the Supreme Court argument [on March 4], switching from federal preemption to the First Amendment, due process, press credentials ... and then being in court on these important issues. And at one point, [U.S. District] Judge [Paul] Friedman really gave an eloquent statement about how important it is to have rigorous journalism, independent journalism covering the Pentagon from inside the Pentagon in the time of war.

And he walked through all the different wars we’ve gone through, where the American people, in his words, were lied to about what was happening. And he needed journalists to be able to expose that. And the lawyer for the government said, “I agree with all that, Your Honor.” And I thought, “Okay, this is shaping up nicely.” So that was a big highlight for me during this.

The Tesla case was interesting because it was arguments about, really, bread-and-butter torts—the most basic tort products liability principles, but how do they apply it with new, innovative, cutting-edge technology and the automotive world. And so it was just really fascinating. ... We have a great ruling in that case too, a couple weeks ago, [in which the California Court of Appeal, Sixth Appellate District, affirmed the trial court’s dismissal of the action against Tesla].

Is there anything about this experience that surprised you?

How it was very smoothly functioning in the Sixth Circuit with 17 judges. The judges ... were all on the same level, so it was like ... a very large horseshoe, and you’re in the middle of it. And it really was very orderly, but it was kind of whipsawing, where you get a question from one side or ... the other side. But I was actually surprised at how smoothly that went. And that was really interesting to be in, with that many judges who all had lots of questions, good questions for both sides, and I just didn’t know if it would work. It’s such a big group and, if they all start asking questions, would it actually function? And so I was very pleasantly surprised that it worked really well. ... It makes you feel good about the judicial system.

Can you expand on that?

It really is interesting because it’s a time of upheaval in our government. ... But it struck me, when I was reading the tariff decision—the [*Learning Resources v. Trump*] decision from the U.S. Supreme Court, which was all about statutory interpretation—the case I argued on March 4 was all about statutory interpretations, similarly interpreting just four or five words.

And when I read ... the various opinions in that decision, it made me feel good ... It was 170 pages. It was like a book about statutory interpretation. They were all, in good faith, debating the right way to interpret a phrase. And that resonated with me through other arguments—state court judges who were the trial judges who are seen working super hard, seeing all kinds of cases from different topics ... juggling that. [They are] clearly well prepared and get the issues; they’re considering things carefully.

Same in the federal courts. You’ve got all these judges; they don’t necessarily agree at the bottom line all the time, but they’re grappling with the law, with the facts and all in a very cordial [way]. ... Everyone is really just arguing these issues through to try to get to the right answer, and up and down the judiciary system across the country. I think it’s something that we should all feel good about.