

TEXAS LAWYER

TEXAS LITIGATION DEPARTMENTS OF THE YEAR, CLASS ACTION: GIBSON, DUNN & CRUTCHER



Texas Lawyer is recognizing law firm Gibson, Dunn & Crutcher with a 2026 Litigation Departments of the Year, Class Action award. Read a Q&A with the firm below.

What was your department's most significant achievement over the past year, and why?

Gibson Dunn Secures Reversal of Class Action Verdict for Berkshire Hathaway's PacifiCorp in Multibillion-Dollar Oregon Wildfire Litigation

Gibson Dunn secured a significant appellate victory for Berkshire Hathaway company PacifiCorp in a multibillion-dollar wildfire class action. PacifiCorp had previously been found liable for more than \$1.1 billion in damages and faced dozens of additional damages trials following a class action verdict. On April 8, 2026, the Oregon Court of Appeals reversed the class action verdict in its entirety, eliminating the underlying basis for liability.

The litigation arose from multiple wildfires ignited during a historic Labor Day 2020 windstorm in Oregon. Plaintiffs brought an unprecedented class action alleging property damage arising from four separate wildfires located hundreds of miles apart.

The Oregon Court of Appeals held that the trial court improperly disregarded material differences among class members by instructing the jury to "assume that the evidence at the trial applies to all class members," even where certain class members' damages could not have been caused by PacifiCorp.

The court also reaffirmed that the trial court has the authority on remand to reconsider whether certification of a single class remains appropriate.

The decision vacated 17 completed verdicts and trials, more than \$1.1 billion in damages awards, and over 170 scheduled Phase II trials that were predicated on the now-reversed class action verdict. With the trial court having scheduled virtually weekly trials throughout 2026—and twice-weekly trials beginning in 2027—the decision eliminated the prospect of years of additional aggregate litigation involving potential damages in the billions of dollars.

The Gibson Dunn team was led by partners Ted Boutrous and Blaine Evanson and included partners Joe Edmonds and Daniel Nowicki, along with associates Jacob Arber, Branton Nestor, James Rex Lee, Robert Frey, and Varant Anmahouni.

What was your biggest challenge over the past year, and how did you adapt?

One of the department's biggest challenges over the past year was navigating the rapid emergence of generative AI as both a source of new litigation risk and a tool transforming legal practice. Clients increasingly sought advice on evolving AI-related legal issues, while the department also encountered AI-generated pleadings, demand letters, and other litigation materials that required careful evaluation. In response, the department remained at the forefront of legal and technological developments, leveraging appropriate AI-enabled tools to enhance efficiency and deliver value to clients while maintaining rigorous attorney oversight and the high standards of quality and strategic judgment expected in complex litigation.