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Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@law360.com

Rising Star: Gibson Dunn's Joshua Lipshutz

By **Alex Wolf**

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Gibson Dunn & Crutcher LLP's Joshua Lipshutz has fast-tracked his way to partnership at the firm by helping corporate clients, such as auto giant DaimlerChrysler Corp., and civil rights activists alike secure landmark trial and appellate victories, earning him a slot among Law360's top appellate attorneys under 40.

Joshua Lipshutz

Lipshutz, a Rising Star at 37, made partner in January after coming to Gibson Dunn's San Francisco office in August 2011 as an attorney in its litigation department and appellate and constitutional law practice group. In just over three years at the firm, he has helped secure favorable rulings by authoring briefs for cases in the U.S. Supreme Court, federal appeals courts and all levels of various state courts.

Lipshutz told Law360 he believes he's gotten to such a juncture due to his passion for his work, and that he owes much of his quick success to the structure of the firm and the quality of mentors he has in his practice.

"I think the depth of the bench at Gibson Dunn is pretty unique," Lipshutz said. "Unlike firms that may have a single appellate-focused partner, there are 10 ... 15 or more partners at Gibson Dunn who are top-notch appellate attorneys, and I get to work with and learn from all of them."

In January 2014, Lipshutz helped secure a landmark U.S. Supreme Court victory in Daimler v. Bauman as the lead drafter of the merits briefs, and he helped develop the "at home" argument the court adopted when it unanimously overturned a Ninth Circuit ruling, concluding the carmaker could not be sued in California for injuries allegedly caused by the conduct of an Argentine firm that took place entirely outside the U.S.

Lipshutz has also played a crucial role in the firm's representation of gay rights activists, drafting federal and appellate court briefs for same-sex couples challenging Virginia's constitutional and statutory bans on same-sex marriage, in which the Fourth Circuit affirmed the Eastern District of Virginia's ruling striking down the state's ban.

“Within the appellate work that I do, I've worked on everything from marriage equality to class actions to securities,” Lipshutz said. “One of the best things is that every time you take on a new case, there's a whole new set of issues that you get to dive into and learn.”

Lipshutz, who first began working in finance as an analyst and associate at Goldman Sachs & Co. after graduating from the University of Pennsylvania in 1999, said that part of what drew him to leave the finance world and go to law school, besides the fact that his mother and grandmother were lawyers, was his intellectual curiosity for legal theory and the process of law.

“There was always the thought in the back of my head of 'when am I going to go to law school?'” he said.

In 2002, Lipshutz began attending Stanford Law School, where he graduated Order of the Coif in 2005. He then went on to get his first real taste in constitutional and appellate law by clerking for Judge Alex Kozinski in the U.S. Court of Appeals for the Ninth Circuit and for U.S. Supreme Court Justice Antonin Scalia.

After another brief stint in private equity, Lipshutz joined Gibson Dunn and immediately began working on appellate cases under the guidance of Theodore Boutrous, one of the firm's nationally renowned attorneys.

"After giving private equity a try, I decided that I missed the types of debates and arguments in which I had been participating as a law student and law clerk, and that having a career focused on those types of interactions was a better fit for me," Lipshutz said.

Since beginning at the firm, Lipshutz said he has been fortunate to have the opportunity to work alongside talented appellate attorneys and considers himself lucky to represent major corporate clients like Wal-Mart Stores Inc. and Apple Inc., but also various civil rights groups fighting for constitutional protection.

Most recently, Lipshutz spearheaded the firm's representation of nine California public school students in Vergara v. California, bringing a successful constitutional challenge against five California Education Code statutes regulating public school teacher tenure, dismissal and layoffs. The sweeping ruling marks the first time a court has recognized that teacher employment protections can have systemic adverse effects on students.

Lipshutz said the Vergara case, for which he is currently preparing appellate briefs, has given him the valuable new opportunity to practice constitutional law at the trial court level, and though it is one of the most challenging cases he has worked on, it is also rewarding because it gives him the opportunity to fight for the rights of students.

He said he values the knowledge and experience he has gained from working on the case because it was another chance for him to improve his skill set and reinforce his love for legal theory.

--Editing by Philip Shea.

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