

## Rising Star: Gibson Dunn's Amir Tayrani

By **Steven Trader**

*Law360, New York (April 27, 2016, 11:22 PM ET)* -- For the better part of his 13-year career at Gibson Dunn, 38-year-old Amir Tayrani has successfully coordinated legal strategies for Philip Morris and last year locked up several key appellate wins for the tobacco giant, landing him on Law360's Product Liability Rising Star's list for the third straight year.

The Rising Star began working with Philip Morris USA Inc. several years ago as a mid-level associate, drafting briefs on several U.S. Supreme Court matters and eventually becoming the company's key adviser in connection with thousands of so-called Florida Engle progeny cases. An appellate lawyer by trade, Tayrani shored up two key wins for the cigarette maker on appeal, while also coordinating its legal strategy in at least a dozen other cases at the trial level.

The first came in May in *Campbell v. Philip Morris*, brought by the husband of a deceased smoker and which the trial jury found completely in favor of Philip Morris. The man argued in Florida's Second District Court of Appeals that the lower court had erred by excluding from the trial evidence about his wife's cigarette addiction, while allowing Philip Morris to introduce evidence related to heavy alcohol consumption, but Tayrani was able to convince the appellate panel to keep the verdict in place.

In June, Tayrani was tasked with getting Florida's Fourth District appeals court to reverse a jury's \$2.6 million verdict in favor of Beatrice Skolnick, whose husband had died years earlier from lung cancer. The case presented a unique issue in that Skolnick in 2004 had entered into a settlement with the owners of a New York nuclear materials processing facility near their home after claiming that radiation materials had killed her husband. In signing that deal, she'd agreed broadly not to sue any other tortfeasor over those same injuries, but sued Philip Morris in 2007.

The trial court was unswayed by that stipulation, but Tayrani was able to convince the appellate court that the language of that agreement unambiguously barred Skolnick's claims, and they vacated the verdict and remanded for a new trial.

It's not that appeals are easier to argue by any means, but Tayrani said he certainly doesn't mind the



fact that appellate judges can take their time reading through briefs and delve deeper into a legal issue than a jury can.

“The factor I had working in my favor in the Skolnick case is that the meaning of this release was really a pure question of law, so it was one where the appellate judges didn’t owe any deference to the trial court and they could reach their own determination about what this release meant on its terms,” Tayrani said.

A love of writing and a desire to “think creatively about problems and help shape the law” naturally guided the Rising Star toward a focus on appellate work from the get-go at Gibson Dunn, and his achievements have landed him on Law360’s Rising Stars list in both 2014 and 2015.

“I think I’ve grown because of the opportunities I’ve had to learn from some of the very best attorneys in their fields who’ve been doing this 20 or 30 years longer than I have and took the time to help me learn the ropes,” Tayrani said. “It’s made me a profoundly better legal thinker, writer, advocate ... these are tools I’ll be able to deploy for the next three decades that I’m practicing law.”

He’s currently deploying those skills in his preparation of a brief to present to the full Eleventh Circuit arguing that Philip Morris’ due process was violated by the fact that, when the Florida Supreme Court decertified the original Engle class in 2006, the court allowed future individual Engle plaintiffs to use the jury’s findings in that case — for example, the fact that the cigarettes were defective.

“The problem from our standpoint is that the jury didn’t specify which cigarettes it found to be defective,” Tayrani said. “But despite that ambiguity, the plaintiffs in the Engle cases have been able to invoke the findings to prove their claims without demonstrating that the individual issues in their case were actually decided by Engle jury.”

The due process objections were already unsuccessfully argued in front of the Florida Supreme Court, and certiorari briefs to the U.S. high court were turned down, but Tayrani hopes to get the Eleventh Circuit on board so that the case can make it up to the U.S. Supreme Court, and potentially end the thousands of remaining Engle cases before they even get started.

“What guides my approach to these cases is the rule of law,” Tayrani said. “Every defendant is entitled to due process, no matter the facts in the case or the potentially emotional component, that doesn’t change the foundational legal principle that to prevail in court, you need to be governed by principles of fairness. My role as I see it is to make sure all of those legal boxes are checked by any plaintiff that takes the position that it has been aggrieved by any of my clients.”

--Editing by Philip Shea.

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