

Rising Star: Gibson Dunn's Amir Tayrani

By Allison Grande

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Gibson Dunn partner Amir Tayrani has played a vital role in shaping product liability case law through his defense of disputes ranging from dozens of tobacco defect cases against Philip Morris USA to a landmark U.S. Supreme Court ruling over medical device preemption, earning him a spot among Law360's top five product liability attorneys under 40.

The 37-year-old Rising Star, who is based in the firm's Washington office, has had an impact on the law at all levels of the judicial system since joining Gibson Dunn in 2003. Since then, he has represented clients in more than 10 product liability trials and briefed multiple cases before federal and state appellate courts that have proven to have a profound impact on key issues that often arise in the product liability context, including federal preemption, class certification and personal jurisdiction.

"He's always been very thoughtful and always been an excellent writer," Gibson Dunn partner Miguel Estrada told Law360. "Even as a very young lawyer, he had a knack for the practicalities of the case and very good judgment in figuring out what fork to take in the road, which has resulted in lawyers becoming comfortable giving him a lot of responsibility and trusting his judgment."

Shortly after joining the firm following his graduation from Yale Law School, Tayrani was given the opportunity to work with Estrada and other top appellate attorneys on a wide range of high-stakes matters that allowed him to fuel his passions for brief writing and shaping legal arguments that could have a sweeping impact on the course of case law.

In one of these suits that was heard by the Supreme Court, *Riegel v. Medtronic Inc.*, Tayrani was tasked with authoring the merits brief on an issue that promised to have far-reaching consequences for product liability litigation: namely, whether federal law preempts state-law claims regarding medical devices that the U.S. Food and Drug Administration have found to be safe and effective as part of its rigorous premarket approval.



Amir Tayrani

The high court in its 2008 decision sided with the arguments put forth in the brief prepared by Tayrani on behalf of Medtronic, concluding that a company cannot be sued under state law if a device that has undergone the FDA's approval process causes an injury.

"After that experience in the Supreme Court, that really gave me the tools I needed to start developing a product liability practice of my own," Tayrani said.

While appellate work remained his "first passion," Tayrani took the experience he gained from the Medtronic case to expand his practice to include the defense of product liability claims raised not only at the appellate level but also before trial courts.

"It was good for me to be taken outside that initial comfort zone and put in a trial court setting and arguing to state court judges and engaging in back-and-forth arguments with plaintiffs lawyers," Tayrani said. "It was so different from what initially drew me to the law and challenged me in a good way."

Tayrani — who is a member of the firm's appellate and constitutional law practice group and has twice been named a Law360 Rising Star in the appellate field — quickly found that trial court work also helped him to hone his appellate court practice by opening his eyes to the nuances of cases that he was used to seeing at the later stages of their life cycle.

"What I've learned from being on ground in the trial court is that you really can't appreciate what goes on at a trial simply by reading the record that you get at appeal," he said. "It's really instructive to spend time as part of a trial team and have a role in framing the record, and making sure that issues you might want to raise later are properly preserved."

Tayrani has had ample opportunity to perfect his trial court skills through his work during the past five years for Altria Group Inc. subsidiary Philip Morris USA, which he began working for on a regular basis after helping to steer the company through a federal preemption case that the Supreme Court decided against Philip Morris in 2008.

"Something that has helped me tremendously is that I was given very early exposure to clients who got to know me and trust me and view me as a resource for different legal questions," Tayrani said. "Because our firm relies on younger associates to interface with clients, I was able to get to know companies such as Philip Morris at an early stage in my career, so when they had an issue that wasn't necessarily Supreme Court magnitude but was still interesting and challenging, they would look to me."

Since his initial encounter with Philip Morris, Tayrani has handled more than two dozen so-called Engle progeny cases that were filed in the wake the 2006 Florida Supreme Court decision that decertified a class action against major tobacco companies but paved the way for them to bring their product defect and fraudulent concealment claims in individual cases.

The experience has led to Tayrani appearing in nearly a dozen trials in state court as well as taking on appellate challenges, such as the successful bid in 2013 to convince the Florida Third District Court of Appeal to affirm summary judgment on behalf of the cigarette maker on the grounds that the plaintiff lacked standing because he was a resident of Colombia and not Florida.

Tayrani — who was named partner in 2012 — has also continued his work at the Supreme Court level, which has produced several broader decisions that have had a resounding impact on product liability law, including the 2011 decisions in Wal-Mart Stores Inc. v. Dukes, in which the high court decertified a

massive class of female Wal-Mart workers.

“There are many hard-working people, and there are many able people,” Estrada said. “People who tend to have both of those qualities are usually successful, and Amir is one of them.”

--Editing by Kelly Duncan.

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