

Rising Star: Gibson Dunn's Theane Evangelis

By Jess Davis

Law360, Dallas (April 16, 2014, 7:53 PM ET) -- Gibson Dunn's Theane Evangelis has played an instrumental role in shaping standards for class certification in state and federal courts across the country, including the landmark U.S. Supreme Court decision in *Wal-Mart Stores Inc. v. Dukes*, landing her a spot as one of Law360's 2014 Rising Stars in class action law.

Having worked on the petition for certiorari in the *Dukes* case and the constitutional challenge against California's Proposition 8 gay marriage ban last year, Evangelis is a repeat Rising Star. Since the *Dukes* ruling in 2011, in which the Supreme Court decertified a class of 1.5 million women who accused Wal-Mart of gender discrimination, Evangelis has been on the front lines of litigation, parsing the boundaries of class certification standards. Her arguments about due process standards in class litigation have helped the firm rack up trial and appellate court victories for its clients in high-stakes cases, and landed her a spot on Law360's Rising Star list for 2014.

"Theane knows the fundamental principles of class action law as well as anybody in the world," says Gibson Dunn's Theodore Boutros, chair of the firm's appellate practice. "She knows everything about the law but is also willing to make creative, bold arguments and has been a fabulous strategist about how to win the next wave of battles going on. She's one of the leaders nationally on these issues since *Dukes*."

Evangelis was part of team that represented Standard Fire Insurance Co. in its Supreme Court win in March 2013, which held that class plaintiffs can't stipulate they're seeking less than \$5 million in aggregate damages to avoid removal to federal court under the Class Action Fairness Act.

She also successfully defended Hewlett-Packard Co. before the Ninth Circuit in 2012, scoring a precedential ruling that held manufacturers have no duty to disclose unknown laptop defects. And in February, her work helped secure the voluntary dismissal of a putative class action against Mary Kay Inc. that alleged it failed to properly disclose animal testing practices for its cosmetics.

Evangelis describes her practice as at the intersection of class action and appellate work, and in her class action work, she's involved from day one of a case, helping shape the factual record at the trial court with an eye toward the interlocutory appeals that typically follow class certification rulings.

She says the Supreme Court's *Dukes* and *Comcast Corp. v. Behrend* decisions have reaffirmed the principle that class actions are the exception to the rule that cases are litigated by the individual parties present in court.

“What really is animating this is the concern for due process,” Evangelis says. “Whether you’re in state or federal court, Rule 23 is grounded in due process that protects the rights of defendants and absent class members. It’s very important to make those arguments.”

A former law clerk to Supreme Court Justice Sandra Day O’Connor and Ninth Circuit Judge Alex Kozinski, Evangelis has been a partner at Gibson Dunn since 2012, five years after joining its Los Angeles office.

During that time, she’s taken on increasing responsibility in the firm’s class action and appellate practices. She says it’s important for young lawyers to make it known they want opportunities for challenging work, to show they know enough to handle it and to deliver great work once they’re given the chance.

Evangelis is currently defending Yamaha Motor Corp. USA in a consolidated class action alleging it made defective outboard motors, and is working on a class action antitrust suit that accused Detroit-area hospitals of conspiring to keep wages for nurses low.

And she represented Mary Kay in a suit that alleged California purchasers of Mary Kay products wouldn’t have bought them if had they known that Mary Kay’s Chinese subsidiary submits products to the Chinese government for animal testing. The plaintiff moved for dismissal days before the cosmetic company’s class certification opposition was due, after Mary Kay said it unearthed evidence in discovery that rebutted the claims.

She also works on a number of non-class-action constitutional cases with Gibson Dunn, including a case argued in January challenging California teacher tenure laws and the firm’s challenge of California’s same-sex marriage ban.

“Whether a class action or case about marriage equality, the constitutional issues raised, while different, have a unified principle,” Evangelis said. “I find that incredibly interesting, intellectually challenging and important. The constitutional issues implicated in class actions are some of the most interesting ones.”

--Editing by Edrienne Su.