

Global 20: Gibson Dunn & Crutcher

By **Lana Birbrair**

Law360, New York (July 19, 2012) -- With a strong focus on international litigation — most famously as the stalwart firm behind Chevron Corp.'s battle to escape an \$18 billion judgment in Ecuador — and a firmly held belief that slow and steady wins the race, Gibson Dunn & Crutcher LLP has earned itself a spot on Law360's Global 20 list for the first time.

Gibson Dunn may not have a footprint in dozens of international locations like some of its competitors, but the firm's eight foreign offices more than pull their own weight, leading major deals like Hewlett Packard Co.'s \$10 billion acquisition of Britain's largest software company or working behind the scenes to help modernize the Mongolian Stock Exchange.

The firm hasn't opened a foreign office since its 2010 launch in Hong Kong, although it is planning to open a second China office in Beijing by the end of the year. In addition to its nine U.S. offices, Gibson Dunn also has people on the ground in Brussels, Dubai, London, Munich, Paris, Sao Paulo and Singapore, spanning four continents in total. Altogether, about 12 percent of the firm's more than 1,000 attorneys are stationed abroad.

Gibson Dunn grows slowly and surely, not by swallowing other firms or merely chasing clients to every city where a company does business, but through a deliberate strategy that involves making sure its attorneys are placed in the world's largest financial centers and are no more than a quick flight away from any region where a client may need counsel.

“If we're in the financial hubs, it's not unlike the strategy that many of our clients may have as well,” said Ken Doran, managing partner of Gibson Dunn. “From there we might cover other places. Many of the practices we have — compliance, Foreign Corrupt Practices Act and cartel practice — are inherently global, so this requires us to be in many places.”

No location better exemplifies the firm's approach than its Singapore office, launched in May 2008 and home to 11 attorneys, which leads matters in a region that claims Afghanistan, the Philippines, Mongolia and Indonesia as its furthestmost borders.

Rather than open offices in countries like Indonesia, where Gibson Dunn works on three or four significant deals per year, the firm believes in keeping its key players in central locations and flying them out when the clients need to see them.

“We would not just go and willy-nilly open an office in Jakarta or Sri Lanka. Opening an office means investment; it means that the office has to be busy and stand on its own feet,” said Jai Pathak, head of the Singapore office. “But it happens as it does in the States and in Europe — people just have to fly. If we have to be in Jakarta for three weeks, we create a mini-office in some hotel suite somewhere, take a secretary and put her there and have the lawyers work in that little suite.”

The Singapore office focuses mostly on mergers and acquisitions, private equity, project finance, and to a lesser extent capital markets. Despite heading an office that oversees a region spanning thousands of miles in all directions, Pathak noted that one of the firm's biggest strengths is a thorough, personal understanding of its clients' businesses and a keen eye for creating additional opportunities whenever possible.

Some of the Singapore office's biggest successes from the last year include representing Iconix Brand Group Inc. in its joint venture with Reliance Brands, the largest private sector company in India, representing footwear manufacturer Wolverine World Wide Inc. in an Indian joint venture with Tata International Ltd., and advising Pinnacle Entertainment Inc. on its investment in a company developing Vietnam's Ho Tram Strip beachfront complex of gaming resorts.

“I spend a lot of time creating synergies for clients,” Pathak said. “We're not investment bankers, but we know what our clients want. We get to know them very, very thoroughly — what their business objectives are, their strategies — and I and my partners in the region spend a lot of time thinking through how we can help them achieve that.”

While Gibson Dunn avoids acquiring whole teams or offices from other firms, a string of recent lateral hires has helped bolster the firm's presence abroad, including Andres Font Galarza, a former senior official at the European Commission for its Brussels office; Graham Winter, a U.K.-educated and Hong Kong-qualified solicitor tapped to help head up the Hong Kong office; and two partners apiece in the Dubai and London offices.

One of the firm's newest practice groups, dedicated to transnational litigation and foreign judgments, highlights an expertise the firm has long had and has recently focused on more formally. Headed by U.S.-based partners in California and New York, the practice group specializes in defending multinational corporations in cases that stem from foreign complaints, whether tried in U.S. or foreign courts.

The most famous example of a case tackled by the practice group is Gibson Dunn's handling of Chevron's sprawling international environmental contamination case stemming from Ecuadorean plaintiffs' allegations that the oil giant was responsible for the dumping of billions of gallons of toxic sludge in the Amazon decades ago, causing residents to develop cancer and destroying natural resources.

In defending Chevron since 2009, Gibson Dunn has led a battle to prove that the Ecuadorean judgment was obtained through fraud and collusion, persuaded a New York federal court to require the Ecuadorean plaintiffs to produce extensive discovery, and filed a Racketeering Influenced and Corrupt Organizations Act suit against the Ecuadorean plaintiffs and their counsel.

While Chevron has been the frequent recipient of bad press for its attempts to evade the costly judgment against it, Gibson Dunn has long maintained that the oil company has faced a fraudulent, broken judicial system in Ecuador seeking to unfairly skewer the company.

“It just can't be that multinationals are subjected to judgments from countries that aren't following the rule of law,” Doran said. “We have the expertise to help in these long, protracted battles, to help clients who are wronged unfairly through judgments that have no basis in the rule of law. It's part of what that group is focused on, to enforce the rule of law around the world and prevent companies from being unfairly victimized.”

Unlike firms whose international presence is almost entirely dedicated to making major deals happen, Gibson Dunn's international work is largely focused on white collar matters such as compliance and FCPA, as well as civil and criminal antitrust matters. According to Doran, the firm has the largest market share for cartel work globally.

But while Gibson Dunn is particularly proud of its litigation and compliance work, the firm's transactional and regulatory practices are nothing to scoff at.

Last August, Gibson Dunn represented HP in its \$10 billion acquisition of information management software company Autonomy PLC, the largest software company in Great Britain. The deal, led by partners in New York and London, was put together under tight deadlines while coordinating companies across multiple time zones, but ended in the third-largest acquisition in HP's history and among the largest in the history of the European information technology sector, according to the firm.

In a project based out of its Singapore office, Gibson Dunn also helped Mongolia create a formal securities market by setting up a strategic partnership with the London Stock Exchange Group. In doing so, the firm helped draft the new Mongolian Securities Markets Law, set to replace outdated legislation regulating the country's securities markets.

Similarly, in Paris, Gibson Dunn represented the owners of Coeur Defense, the second largest office complex in Europe, in a landmark victory in the Versailles Court of Appeal. According to Doran, Gibson Dunn's work on the case helped create a procedure resembling the U.S.'s Chapter 11 proceedings, allowing French debtors, and potentially their offshore holding companies, to obtain French court protection while working through restructurings and reorganizations.

“The procedure didn't exist before, so we helped create law which I think will be very meaningful,” Doran said. “It was definitely a cutting-edge piece of work that several of our lawyers in Paris worked on for a number of years, as it went up and down the court system. That's something that will stand for many, many years to come.”

With plans for a Beijing office underway; a seemingly never-ending continuation of battles with the Ecuadoreans in Canada, Brazil and other countries where they hope to enforce the \$18 billion judgment against Chevron; major projects in Brazil; joint ventures in India; and important compliance work in Europe, Gibson Dunn is set to continue its international dominance through a steady set of major litigation wins and hefty transactional work abroad, mostly based out of a few key offices.

“2011 was very good. 2012 will be even better,” Doran said. “There's no question in my mind that our best days lie ahead and we will become increasingly global, but we haven't grown in the same way other firms have with mergers. We've been more patient and selective and focused on quality and culture. That has served us extraordinarily well to date, and that will continue to be a distinguishing characteristic of our firm.”

--Editing by Elizabeth Bowen.

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