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Rising Star: Gibson Dunn's Amir Tayrani

By **Jeff Sistrunk**

Law360, Los Angeles (April 11, 2014, 5:08 PM ET) -- Gibson Dunn & Crutcher LLP's Amir Tayrani has played an integral role in securing major recent court victories that have reshaped numerous areas of American law, from same-sex marriage rights to class action practices to transnational litigation, making him one of Law360's top five young appellate attorneys.

Tayrani, 36, is a partner in Gibson Dunn's Washington, D.C., office and a member of the firm's appellate and constitutional law practice group. Since joining the firm in 2003, Tayrani has authored merits briefs in 19 cases before the U.S. Supreme Court, many of which have garnered national headlines, earning him a spot on Law360's Rising Stars list of appellate lawyers under age 40.

Tayrani helped coordinate the appellate strategy in the case of Hollingsworth v. Perry, in which the Supreme Court ruled last June that ballot initiative proponents who had sponsored California's Proposition 8 — and began defending the initiative after California officials refused to do so — lacked standing to appeal a lower court ruling invalidating the same-sex marriage ban. The decision let stand a decision by U.S. District Judge Vaughn Walker that Proposition 8 was unconstitutional and not supported by any public or state interest.

When Tayrani and a Gibson Dunn team first began working on the Proposition 8 case in 2009, they were essentially "writing on a blank slate" because it was the first federal case challenging a state ban on same-sex marriage, Tayrani said. At that point, Tayrani and his colleagues drew upon Supreme Court precedent that emphasized that marriage is a fundamental right, along with a pair of opinions penned by Justice Anthony Kennedy that struck down measures discriminating against gay men and lesbians.

"Our strategy was to bring together those two independent strands of the court's jurisprudence — those cases where the court ruled that marriage was a fundamental right and then the more recent cases where the court had begun to extend equal protection and due process principles to measures discriminating against gay men and lesbians," Tayrani said.

The Supreme Court's Hollingsworth decision and its ruling in U.S. v. Windsor, which struck down a federal law defining marriage as between one man and one woman, were part of a broad shift in the legal landscape in favor of same-sex marriage rights.

Against that backdrop, Tayrani was part of a Gibson Dunn team that successfully litigated a challenge to Virginia's same-sex marriage ban in the case of Bostic v. Rainey. U.S. District Judge Arenda L. Wright Allen said in a February decision that the ban singles out same-sex couples and thereby violates their

constitutional rights. Tayrani will be helping to defend the ruling on appeal to the Fourth Circuit.

On the class action front, Tayrani built on his contributions to Gibson Dunn's victory in the landmark Wal-Mart v. Dukes case by co-authoring the successful merits briefs in Standard Fire Insurance Co. v. Knowles, in which the Supreme Court held that plaintiffs bringing class actions cannot escape federal jurisdiction by promising to seek less than \$5 million in damages.

"Standard Fire v. Knowles was really the logical next step for the court to take in terms of monitoring class action abuses and ensuring that plaintiffs' counsel weren't using the class action device to extort unwarranted settlements from defendants," Tayrani said.

Going forward, Tayrani said, the high court's Standard Fire ruling, along with its holdings in Dukes and Comcast Corp. v. Behrend, "should allow defendants to mount meaningful defenses to class actions in federal court and ensure that they aren't susceptible to the types of extortionate settlements that gave rise to the Class Action Fairness Act in the first place."

Tayrani also authored the successful petition for certiorari and merits brief in Daimler AG v. Bauman, persuading the Supreme Court to drastically curtail the ability of plaintiffs' lawyers to bring suit against foreign defendants in American courts regarding claims that arose in foreign countries and that lack any connection to the U.S.

That case was brought against DaimlerChrysler in 2004 by 22 Argentines who claimed its Argentine subsidiary collaborated with that country's government during its union-breaking "Dirty War" from 1976 to 1983.

The district court in California dismissed the case for lack of personal jurisdiction in 2007, and the plaintiffs appealed to the Ninth Circuit. The Ninth Circuit ruled that DaimlerChrysler could be sued in federal court because its control of wholly owned subsidiary Mercedes-Benz USA LLC established personal general jurisdiction for California federal courts, prompting the company to turn to the Supreme Court.

The high court concluded in a January ruling that DaimlerChrysler 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.

"We emphasized that this radical approach to personal jurisdiction would have a dramatic chilling effect on international business, and companies like Daimler would think twice before using a U.S. subsidiary to do business here, if the mere presence of that subsidiary would subject the foreign parent to jurisdiction in the United States for any claim, no matter where it arose," Tayrani said.

Tayrani credited Gibson Dunn appellate group co-chairs Theodore B. Olson and Miguel A. Estrada with helping him hone his appellate practice skills from his earliest days at the firm.

"It has been a real privilege to learn the art of appellate advocacy from two of the most experienced, influential appellate practitioners in the country," Tayrani said. "My writing, oral advocacy and overall approach to the law have been influenced tremendously by Ted and Miguel. They have unique perspectives on the law and are a great asset to their clients and colleagues."

Tayrani joined the firm right after graduating from law school in 2003, but left after a year to clerk for Judge Diarmuid F. O'Scannlain of the Ninth Circuit. He returned to the firm after his clerkship and was

promoted to partner in 2012.

Tayrani's achievements previously won him a spot among Law360's Appellate Rising Stars in 2012.

--Additional reporting by Abigail Rubenstein. Editing by Stephen Berg.

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