

Daily Journal

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TOP 100 LAWYERS IN CALIFORNIA

EDITORS' NOTE

Every year, the editors of the Daily Journal look at the work of hundreds of California lawyers. We receive nominations from law firms and nonprofits and universities – and from clients. We also examine our archive of stories and talk to each reporter about the matters they've been covering. The point is to honor the attorneys whose work is having the widest impact, and not just on their career or their firm's bottom line. We seek to honor work that is changing an industry or the law or the society as a whole. And every year, we reach the difficult but exciting truth: There are far more than 100 leading lawyers in California. Deciding who won't make the list is our most difficult task.

We don't pretend that this list is scientific or encompassing; it is a snapshot of a moment in time. It is a representative sample of the tremendous legal talent that California offers. As you read, we hope you'll agree.

— David Houston, Editor



JEFFREY T. THOMAS

LITIGATION

GIBSON, DUNN & CRUTCHER LLP
IRVINE

SPECIALTIES: Unfair competition, intellectual property

When Mark V. Hurd left his top spot at Palo Alto-based technology company Hewlett-Packard Co. three years ago, some feelings were hurt.

HP executives took issue with its former CEO becoming co-president of a competitor, Redwood Shores-based Oracle Corp., only a month after his August 2010 resignation. HP, a longtime client of Oracle's, sued Hurd and Oracle shortly after his move, claiming he would reveal insider information to his new employer.

The result of the lawsuit was the so-called "Hurd Agreement," which allowed HP to continue buying software from Oracle and put a lid on Hurd discussing his previous job.

Everything was going OK until Oracle stopped producing software for HP. That's when HP called in Palo Alto-based Gibson, Dunn & Crutcher LLP partner Jeffrey T. Thomas to sue Oracle, again.

The lawsuit, in Santa Clara County, accused Oracle of breach of contract because it stopped providing software for HP's Integrity servers. *Hewlett-Packard Co. v. Oracle Corp.*, 203163 (Santa Clara County Super. Ct., filed June 15, 2011).

Following a 12-day bench trial in June 2012, Superior Court Judge James P. Kleinberg sided with HP, ruling that Oracle was contractually obligated to continue developing the server software.

Thomas said he succeeded by showing the court many emails, meeting minutes and other communications corroborating the assurances made to HP.

"We were able to show quite a number of promises made by very high-level people at Oracle to very high-level people at HP," he said.

The trial was scheduled for a damages phase in April, but the date has been pushed pending an appeal Oracle filed of one of Kleinberg's pretrial rulings, Thomas said. He added that he hopes to get the case in front of a jury as soon as possible.

— Saul Sugarman