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Posted by Andrew Longstreth

LITIGATOR OF THE WEEK

Theodore Boutrous, Jr., of Gibson, Dunn & Crutcher

Ted Boutrous had to wait more than a year, but he's finally going to get another shot at reversing the largest class certification in history. Last Friday the Ninth Circuit Court of Appeals agreed to reconsider en banc whether to uphold a class that covers 1.6 million women in the sex discrimination case *Dukes v. Wal-Mart Stores*.

Boutrous, the appellate ace at **Gibson, Dunn & Crutcher**, has been trying to reverse the class certification order since 2004, shortly after it was issued by San Francisco federal district court judge Martin Jenkins. He came up empty in his first appeal before the Ninth Circuit, in 2005. But Boutrous kept at it and filed a petition for rehearing en banc in January 2008.

Boutrous told us Thursday that he's looking forward

to the oral argument, which has been set for the week of March 24. "This case presents many issues of widespread significance that have been the subject of a number of recent rulings around the country," Boutrous told us.

Our Litigator of the Week got more good news Wednesday when the Tenth Circuit affirmed the dismissal of a securities class action against his client, **The Williams Companies**, related to the 2000 spin-off of its telecommunications subsidiary, Williams Communications Group. In that case, which Boutrous argued, the plaintiffs argued that Williams and certain of its officers hyped the prospects of WGC, which filed for bankruptcy in 2002. But the appellate panel found that the plaintiffs did not prove loss causation.

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