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## Rising Star: Gibson Dunn's Thomas Dupree

By James Armstrong

*Law360, New York (April 06, 2010)* -- After helping make history in the Bush v. Gore case in 2000, Gibson Dunn & Crutcher LLP partner Thomas Dupree has continued to work on major cases — for Chrysler, CSX Corp., Mattel Inc. and other companies — earning him a spot on Law 360's list of 10 appellate lawyers under 40 to watch.

Ted Olson, George W. Bush's attorney in Bush v. Gore and later the U.S. solicitor general, tapped Dupree for the landmark case soon after he arrived at Gibson Dunn as a junior associate.

"It was a very intense 36 days," Dupree said. "At the time, you didn't have the luxury to think about the case's historic significance. It took a lot of work, a lot of strategizing, a lot of creative thinking."

Dupree said he was fortunate to work with Olson, who was a mentor to many associates at Gibson Dunn. While Olson left the firm in 2001 to become solicitor general, Dupree continued his rise at Gibson Dunn.

Among the cases Dupree handled was an appeal for what was then DaimlerChrysler Corp. of a \$98 million punitive damages award — at the time the largest in the history of Tennessee — arising from a design defect lawsuit.

"We not only got the judgment vacated, we actually got a judgment entered in our favor," Dupree said.

Dupree later followed Olson into the Bush administration, serving as deputy assistant attorney general and arguing many important appeals, including the landmark case of *Hernandez-Carrera v. Carlson*.

That case involved whether the government could detain illegal aliens who were likely to commit violent acts in the future. Though the government's position had been rejected in other cases, Dupree persuaded the U.S. Court of Appeals for the Tenth Circuit to reconsider the matter.

"We hadn't prevailed on it anywhere in the country, but ultimately we won the case," Dupree said. "We needed to explain what the government's statutory authority was, and I think we needed to frame it a little differently."

Dupree spoke highly of U.S. Department of Justice lawyers, who he said could easily make two or three times more working in the private sector. He said he felt blessed to have been able to work for the government for two years, though he is now back in private practice doing mostly corporate litigation.

Since returning to Gibson Dunn in 2009, Dupree has handled important appeals for clients including toy maker Mattel, German bank HypoVereinsbank and railroad companies CSX, Union Pacific Corp., Norfolk Southern Corp. and BNSF Railway Co.

Dupree, 39, said he had always found appellate law challenging and fascinating. It can be very rewarding to be brought in by a client who really needs help overturning an adverse verdict, he said.

“A lot of times clients are pleasantly surprised when we're able to reverse on appeal a very bad decision at the trial stage,” Dupree said. “You have a different audience, and you really just want to focus on the fact that you have three new judges.”

Dupree has now argued before each of the 13 federal circuits. Each one has its own unique feel, he said.

Because Dupree clerked in the U.S. Court of Appeals for the Fifth Circuit, it will always have a special place in his heart. He also noted the warm tradition in the U.S. Court of Appeals for the Fourth Circuit of judges always shaking hands with counsel.

To cope with his heavy workload, Dupree said, he usually goes running in the early morning darkness.

“My wife and I have two kids, and it's the one point in the day when there's some peace and quiet,” Dupree said.