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TOP 100 LAWYERS IN CALIFORNIA 2018

LITIGATION

THEODORE J. BOUTROUS JR.

GIBSON, DUNN & CRUTCHER LLP | LOS ANGELES

SPECIALTY: APPELLATE LAW, CONSTITUTIONAL LAW, BUSINESS MATTERS

On Oct. 3, Boutrous will argue before the U.S. Supreme Court that a federal appellate decision is wrong because it would deprive the trucking industry — including his client New Prime Inc. — of the Federal Arbitration Act’s protections and subject the industry to a patchwork of state arbitration laws. *New Prime Inc. v. Oliveira*, 17-340. It’ll be his third SCOTUS argument. He had two oral arguments scheduled before circuit court panels in September.

“What with moot court sessions and the actual arguments, almost every day in September is a day I’ll be arguing something,” he said.

Boutrous hopes to move the Time’s Up anti-sexual harassment movement forward with the defamation suit he filed in April for actress and activist Ashley Judd. The complaint targets disgraced producer Harvey Weinstein and contains claims for intentional interference with prospective economic advantage and unfair competition, allegations that Boutrous and Judd hope will alter the debate. *Judd v. Weinstein*, 2:18-cv-05742 (C.D. Cal., filed April 30, 2018).

“We have now briefed our opposition to Weinstein’s motion to dismiss,” Boutrous said. “She and I met and talked and strategized before she decided to go

forward. We really hit it off. She will donate whatever we recover to Time’s Up and so will we. We’re a great combination, because we can take Time’s Up and #MeToo to the next level by converting the movements’ energy and momentum to concrete legal action. We want to spotlight how careers will be affected going forward.”

Boutrous is defending Chevron USA as one of a group of major fossil fuel producers on the receiving end of a dozen climate change lawsuits filed by 11 government entities including states, counties and cities such as San Francisco, Oakland, Imperial Beach and Richmond. In June, U.S. District Judge William Alsup dismissed Chevron from the San Francisco and Oakland actions. That followed a climate science tutorial before Alsup, an event said to have been the first time climate change had been debated by experts in a federal courtroom. In July Boutrous secured Chevron’s dismissal in a New York case. *People v. BP PLC*, 3:17-cv-06011 and 06012 (N.D. Cal., filed Sept. 19, 2017); *City of New York v. BP PLC*, 1:18-cv-00182 (S.D. N.Y., filed Jan 9, 2018).

“These are very interesting cases,” Boutrous said. “When Alsup scheduled the tutorial it sparked interest that this would be science on trial. But we were



straightforward. We accepted the scientific findings regarding climate change. The plaintiffs brought on three scientists, and they set the stage for the question Alsup answered in our favor: Can you grapple with these issues through litigation? We contended it is the wrong vehicle. Chevron believes this is an important public policy question to be answered by lawmakers.”

— John Roemer