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Honoring the Top Performing Attorneys in California



Theodore J. Boutrous Jr.

Gibson, Dunn & Crutcher
Los Angeles

Theodore J. Boutrous Jr. is a leading practitioner of appellate and constitutional law at Gibson, Dunn & Crutcher LLP. He's been with the firm for more than 36 years and is a member of the executive and management committees.

He graduated summa cum laude from the University of San Diego School of Law.

"It's been a good year at the 9th Circuit," Boutrous said in early August, referring to the three wins he'd attained recently in his busy commercial litigation practice.

He secured affirmance of a dismissal with prejudice of an antitrust suit against Apple over a policy barring third-party app stores from its mobile platform. *SaurikIT LLC v. Apple Inc.*, 22-16527 (9th Cir., op. filed Dec. 28, 2023).

Boutrous argued successfully for a subsidiary of insurance giant American International Group Inc. that it has no duty to cover a drug wholesaler's legal defense costs in suits brought by government entities. General liability policies cover accidents, not deliberate conduct, the panel said. *AIU Insurance Co. et al. v. McKesson Corp.*, 22-16158 (9th Cir., op. filed Jan. 26, 2024).

"This was a leading-edge insurance coverage case in the opioid sphere," Boutrous said.

And in June, Boutrous persuaded a three-judge panel to unanimously affirm the dismissal of claims against Meta Platforms Inc. for allegedly fraudulent ads posted on Facebook by third parties. *Calise v. Meta Platforms Inc.*, 22-15910 (9th Cir., op. filed June 4, 2024).

Boutrous' other practice area involves free speech issues. He got interested in the subject in the early 1990s. "As a young associate, I got a wild first assignment," he said. It arose out of the Senate's investigation of the leak of Anita Hill's allegations against Clarence Thomas. "I wrote a brief arguing that the Senate should endorse protections for journalists."

The Senate largely agreed, he said. Since then, Boutrous has handled numerous First Amendment cases. He's representing a media outlet in seeking the right to broadcast the *U.S. v. Donald Trump* trial in Washington, D.C. In re: Application of NBCUniversal Media LLC to Permit Video and Audio of Trial Proceedings, 1:23-mc-00107 (D.C. Dist. Ct., filed Oct. 11, 2023).

"We're arguing that at a bare minimum there should be audio, or the trial should be recorded for later broadcast," he said.

He's currently defending MSNBC's Joy Reid in a New York defamation suit over Reid's online posts about a woman who yelled at a Latino youth at a Simi Valley city council meeting on California' sanctuary law. *La Liberte v. Reid*, 1:18-cv-05398 (E.D. N.Y., filed Sept. 25, 2018).

"We just moved for summary judgment in that one," Boutrous said.

And Boutrous represents the Pulitzer-winning news organization Mississippi Today against defamation claims by a former Mississippi governor. *Phil Bryant v. Deep South Today*, 45CI1:23-cv-238 (Madison Co., Miss., Circuit Ct., filed July 26, 2023).

"They're trying to use litigation to harass and punish a non-profit," Boutrous said. "I do love this part of my practice."