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Theodore J. Boutrous, Jr., a partner in the Los Angeles and Washington, D.C. offices of Gibson, Dunn & Crutcher, is Co-Chair of the firm's Appellate and Constitutional Law Group and Vice-Chair of the Crisis Management Group.

Mr. Boutrous has represented clients in the federal and state appellate courts throughout the nation in a wide spectrum of cases, including punitive damages, environmental, insurance, product liability, class action, arbitration, defamation, media, antitrust, business torts, securities, employment, privacy, criminal, and constitutional litigation. He is responsible for the nationwide appellate strategy for several major companies. Examples of his work include:

- ▶ Persuaded the U.S. Supreme Court on May 14, 2007, to grant Ford Motor Company's certiorari petition and vacate a \$55 million punitive damage award on due process grounds, and remand this product liability case to the California courts for reconsideration in light of the Court's recent decision in *Philip Morris USA v. Williams*; obtained earlier reductions of nearly \$260 million off of original verdict.
- ▶ Representing six major automakers in the "public nuisance" lawsuit brought by the California Attorney General in federal district court in San Francisco seeking alleged damages suffered by the State as a result of global warming. On September 17, 2007, the district court granted the automakers' motion to dismiss the suit.
- ▶ Persuading the United States Supreme Court to vacate a \$290 million punitive damage award against Ford Motor Company, which had been the largest personal injury award ever affirmed on appeal in United States history. On remand the California Court of Appeal cut the award by over 90%.
- ▶ Persuading the United States Court of Appeals for the Fourth Circuit to reverse a \$262 million damage award – at the time, the third largest verdict ever against an auto manufacturer – against DaimlerChrysler Corp. in a product liability case.

- ▶ Persuading a federal district court, on behalf of *The Wall Street Journal*, to overturn the largest libel verdict in history (\$222 million) based on lack of evidence and “serious misconduct” of the plaintiff during discovery and trial, and devising a strategy that caused the plaintiff to dismiss its case entirely.
- ▶ Persuading the California Supreme Court to reject the "aggregate profit disgorgement approach" to punitive damages, and thereby hold that a \$10 million punitive damage award was excessive and unconstitutional, in a consumer Song-Beverly "Lemon Law" case.
- ▶ Persuading the D.C. Court of Appeals to vacate, based on *State Farm*, a \$4.8 million punitive damage award against Daka, Inc. in a same-sex sexual harassment lawsuit brought by a former employee.
- ▶ Persuading the Michigan Supreme Court to overturn the largest sexual harassment verdict in U.S. history (\$21 million).
- ▶ Serving as lead counsel for one of the world's largest retailers in a pending appeal to the U.S. Court of Appeals for the Ninth Circuit of an order certifying the largest employment class action (1.6 million women) in American history.
- ▶ Representation of major media organizations (including NBC, CBS, ABC, CNN, Fox, *The New York Times*, *Los Angeles Times*, *USA Today*, the Associated Press, and *The Washington Post*) in seeking public access to secret judicial proceedings and records in the California criminal trial against Michael Jackson.
- ▶ Representing the prevailing parties in numerous cases before the Supreme Court of the United States, including *Gasperini v. Center for Humanities* (1996) (Seventh Amendment right to a jury trial does not preclude federal appellate courts from overturning excessive jury verdicts); *Lampf, Pleva, Lipkind, Prupis & Petigrow v. Gilbertson* (1991) (strict uniform statute of limitations governs in federal securities fraud cases); and *Plaut v. Spendthrift Farm, Inc.* (1995) (constitutional separation of powers doctrine bars Congress from overturning final judgments of federal courts), and representing parties or *amicus curiae* in six cases in the Supreme Court attacking the constitutionality of punitive damages, including *BMW v. Gore*, *State Farm v. Campbell* and *Philip Morris USA v. Williams*.

Mr. Boutrous is a frequent commentator on legal issues. His articles include “Successfully Challenging Punitive Damage Awards: Winning Strategies After *State Farm v. Campbell*” (2003 Monograph, National Legal Center for the Public Interest); “Rule 6(e) and the Public’s Right to Know,” *Wall Street Journal*, August 17, 1998 (op-ed); “What’s Next for Punitive Damage Awards,” *Wall Street Journal*, May 29, 1996 (op-ed); and “Constitutional Challenges to Punitive Damages After *BMW v. Gore*” (1998 Monograph, National Legal Center for the Public Interest).

In 2005, 2006 and 2007, the Los Angeles and San Francisco *Daily Journals* named Mr. Boutrous one of the 100 best lawyers in California. He was named among the "Best of the Bar" for Media and Entertainment by the *Los Angeles Business Journal* in 2007. Mr. Boutrous received a "Legal Reform Champion" award from the American Tort Reform Association (ATRA), and *The American Lawyer* named him one of the "45 under 45" rising stars of the private bar, calling him a "media law star." The *Los Angeles Business Journal* has called him one of the "nation's most prominent appellate attorneys." *Washingtonian Magazine* recently named him as one of the best First Amendment lawyers. Mr. Boutrous is the 2002 recipient of the ACLU of Southern California's First Amendment Award. He is a member of the Board of Directors of the International Women's Media Foundation and a member of the Board of Directors of the California Supreme Court Historical Society. He was born in Los Angeles, and received his law degree, *summa cum laude*, from the University of San Diego School of Law, where he was Valedictorian and Editor-in-Chief of the *San Diego Law Review*.