

Daily Journal

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TOP 100 LAWYERS IN CALIFORNIA

EDITORS' NOTE

Every year, the editors of the Daily Journal look at the work of hundreds of California lawyers. We receive nominations from law firms and nonprofits and universities – and from clients. We also examine our archive of stories and talk to each reporter about the matters they've been covering. The point is to honor the attorneys whose work is having the widest impact, and not just on their career or their firm's bottom line. We seek to honor work that is changing an industry or the law or the society as a whole. And every year, we reach the difficult but exciting truth: There are far more than 100 leading lawyers in California. Deciding who won't make the list is our most difficult task.

We don't pretend that this list is scientific or encompassing; it is a snapshot of a moment in time. It is a representative sample of the tremendous legal talent that California offers. As you read, we hope you'll agree.

— David Houston, Editor



BRAD D. BRIAN

LITIGATION

MUNGER, TOLLES & OLSON LLP
LOS ANGELES

SPECIALTIES: Complex civil and criminal defense

Brian has been at the forefront of some headline-grabbing cases, but was especially gratified by the result he and his team achieved for his client, Boeing Satellite Systems International, last year.

In that case, he was lead counsel in a breach of contract and fraud trial, along with the appeal, that played out over four years. *Boeing Satellite Systems International v. ICO Global Communications*, B214649 (Cal. App. 2nd Dist., 2012).

"The factual record was incredibly complicated," Brian said. "There were thousands of pages of transcripts and exhibits."

At issue, plaintiff ICO Global Communications entered into agreements in 1995 with Hughes Electronics Corp., which later was acquired by Boeing, to build and launch the dozen satellites intended to provide communications services.

After a series of financial problems and delays, Brian said, ICO terminated the contracts and filed suit, seeking \$7.5 billion in damages.

Meanwhile, Brian and his team had managed to get about \$6 billion dismissed and, at trial, ICO sought \$1.5 billion in compensatory and punitive damages.

After a four-month trial in Los Angeles County Superior Court, the jury sided with ICO and awarded \$603 million in compensatory and punitive damages.

On appeal, Brian and his team developed new ways to streamline the record and make the facts easier to digest, he said.

In April 2012, the three-judge panel issued a unanimous 52-page opinion in Boeing's favor on all claims, tossed the entire verdict and awarded Boeing its costs on appeal.

While the ICO's petition for review was pending in the state Supreme Court, the parties settled with a payment by Boeing of \$10 million.

"We thought all along that we had a really strong legal position and we did everything we could with our motions, before and after trial, to preserve the arguments on appeal," Brian said. "The court not only agreed with us, but entered a judgment in our favor on all claims. That was extraordinary."

In another ongoing matter, Brian is lead counsel for Transocean, the owner and operator of the Deepwater Horizon offshore drilling rig that exploded on April 20, 2010, resulting in deaths and environmental disasters. *In re Oil Spill by the Oil Rig Deepwater Horizon MDL-2179* (E.D. La.).

Earlier this year, Brian negotiated what he considers to be a favorable settlement of the Department of Justice's criminal investigation.

Transocean Deepwater Inc. pleaded guilty to a single misdemeanor violation of the Clean Water Act and agreed to pay a \$100 million fine and pay \$300 million for environmental research and restoration.

Brian compared that to BP's felony guilty pleas, and its payment of \$4 billion in criminal penalties.

Early this year, he led a trial team in New Orleans through the first phase of the multi-district litigation to apportion liability for the incident. A decision on that phase is pending, with the second phase set for September.

— Pat Broderick