

Rising Star: Gibson Dunn's Julian W. Kleinbrodt

By Lynn LaRowe

Law360 (July 30, 2024, 2:02 PM EDT) -- Gibson Dunn & Crutcher LLP partner Julian W. Kleinbrodt recently helped tobacco company Swisher undo an antitrust judgment after uncovering fraud on the part of plaintiff Trendsettah and has played a role in a number of recent victories for Apple Inc. in battles over antitrust claims related to its app store and watch, earning him a spot among antitrust practitioners under age 40 honored by Law360 as Rising Stars.

His biggest case:

Kleinbrodt recalls his work as a core member of the team representing Apple both at trial and on appeal against a challenge to its App Store brought by Epic Games.

"It was very high-stakes litigation involving cutting-edge legal issues in which we went from complaint to trial in less than a year," Kleinbrodt said. "Litigating a case of that magnitude on such an expedited schedule meant working on many aspects of the case in parallel with each other. Our whole team had to really bring their best every day and be rowing in the same direction all the time."

Epic alleged that Apple's App Store violated the Sherman Act, but after a three-week bench trial, a district judge found in Apple's favor. Kleinbrodt has also served on the team fighting appellate challenges to the verdict.

His most interesting case:

Kleinbrodt said some of the most compelling work he's done involved representing Swisher after it lost an antitrust case brought by rival tobacco company Trendsettah, putting the company on the hook for a multimillion-dollar judgment.

"After the trial there were a lot of twists and turns," Kleinbrodt said, noting that his firm continues to litigate for Swisher in the case at the Ninth Circuit.

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Julian W. Kleinbrodt
Gibson Dunn

Age: 35

Home base: San Francisco

Position: Partner

Law school: University of Michigan Law School

First job after law school: Judicial law clerk in the Central District of California

"We were able to uncover that the antitrust verdict in that case rested on fraudulent evidence that had been used by the plaintiff," Kleinbrodt said. "Really the entire theory of their case was based on a fraudulent foundation."

Kleinbrodt said, "That's not the kind of thing you typically find in an antitrust case."

"Being able to pull apart the fraud and then vindicate your client and vacate an unjust antitrust verdict was very important to me," Kleinbrodt said. "It's important to me that our justice system isn't tainted by fraud, and it's also very important that our client get a fair shake."

Kleinbrodt said that when he and the team from Gibson Dunn working on Swisher's appeal learned of the fraud after a criminal indictment naming Trendsetta's former CEO was unsealed, "it was like an electric shock goes through you."

"Your mind starts scrambling about the significance, and then there was the process of digging into and uncovering the extent and nature of the fraud and how it fundamentally impacted the case we were litigating that was so interesting," Kleinbrodt said. "It was 'aha' discovery after 'aha' discovery. There was also a true sense of duty to correct an injustice after realizing the fraud that had been worked through the system."

Why he's an antitrust attorney:

Kleinbrodt comes from a family of lawyers but said he didn't discover his passion for antitrust work until he joined Gibson Dunn, the only law firm where he's ever practiced.

Kleinbrodt said he "clicked" with attorneys at the firm "who are incredibly talented and great people to have in the trenches with you, and who are also people that I genuinely enjoy working and interacting with."

"The combination of finding the work substantively interesting and intellectually challenging with having a group of kind and thoughtful colleagues led me to continue to work in this area," Kleinbrodt said. "I am lucky to have found my way into this practice."

What motivates him:

Kleinbrodt said he doesn't find it difficult to stay energized by his work, largely because of the support he has both at the firm and at home.

"I work with a truly amazing set of clients on issues that are both important and interesting," Kleinbrodt said. "I love working to solve challenges for them and I get to do so with a stellar set of colleagues. I also have an amazing wife and three kids that keep me grounded."

Kleinbrodt added that he plans to stay put at Gibson Dunn, where he has "great mentors" and has built strong, productive relationships.

"Anytime we're able to vindicate a client, whether it's through a trial verdict or an appellate opinion, I have a profound feeling of gratitude and pride in the team," Kleinbrodt said. "Knowing the tremendous amount of work that leads up to that point, the feeling that it's paid off and that the right result has been achieved, I hope to continue to have those moments."

On the future of the industry:

Kleinbrodt said he expects the courts to continue "grappling with whether and how traditional doctrines should be applied to 21st century issues" in the antitrust sphere.

Digital platforms, artificial intelligence and algorithmic pricing could bode for future legal work, he said.

"I think there are a lot of actual inflection points in antitrust law right now," Kleinbrodt said. "Over the past couple of years in particular we've seen a renewed push, whether through proposed legislation or litigation, to push the boundaries of the law through new theories, or, frankly, by resurrecting old ones. There also remains a continued focus on the competition issues in labor markets."

Kleinbrodt pointed out that the Sherman Act is more than a century old and that courts must determine how it applies as business embraces new technologies.

"It's difficult for anyone to predict with certainty where we'll be in five, 10 or 15 years with those issues but each one of them could have a profound impact on the way we look at competition and how we litigate cases," Kleinbrodt said, adding that the "novel challenges" that arise are a "real significant part of why I continue to find this work so engaging."

--As told to Lynn LaRowe. Editing by Linda Voorhis.

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2024 Rising Stars winners after reviewing nearly 1,200 submissions. Attorneys had to be under 40 as of April 30, 2024, to be eligible for this year's award. This interview has been edited and condensed.