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Ted Cruz's Career in Private Practice Complicates His Legal Record

Republican presidential candidate represented a Chinese company and personal-injury plaintiffs

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Sen. Ted Cruz began building his reputation as a champion of conservative causes as Texas solicitor general, arguing high-profile Supreme Court cases that bolstered both his legal and political career.

The next phase of his law career is less well known. For four years leading up to his Senate election, his work in private practice provided a steady diet of corporate work and a few conservative legal causes—but also a handful of cases that complicate the GOP presidential candidate's finely tuned image as a conservative purist.

Among them, Mr. Cruz helped defend a Chinese tire company facing a \$26 million jury verdict for copying technology stolen from a U.S. businessman, work that contrasts with the current anti-China rhetoric of rival [Donald Trump](#). He also participated in two New Mexico personal-injury cases that sought to preserve historically large punitive damages, despite supporting sharp limits on such payouts elsewhere.

The two halves of Mr. Cruz's legal career are in ways emblematic of the senator himself. His climb in the polls, and his leading position in Iowa, has been energized by conservative primary voters who see in him an uncompromising defender of policies they hold dear. At the same time, he has shifted positions on a number of issues, including trade and visas for skilled foreign workers, a line of attack seen recently from rivals, including Sen. [Marco Rubio](#) of Florida. Rick Tyler, a spokesman for Mr. Cruz's campaign, said that the body of the senator's legal work underscores his conservative ideals. "Ted Cruz has respected the Constitution his entire life and will continue on as president of the United States," Mr. Tyler said.

As Texas solicitor general from 2003 to 2008, Mr. Cruz was the state's chief appellate lawyer, a perch that gave him wide latitude to pursue cases of interest to conservatives nationwide. He did it zealously, said Texas Supreme Court Justice Don Willett, a friend and former colleague of Mr. Cruz in the state attorney general's office.

"If you called central casting and requested someone with the skill set to put Texas at the legal forefront, Ted checked all the boxes," Justice Willett said.

At the U.S. Supreme Court, Mr. Cruz took a hard line in several death penalty cases, including in one where he successfully defended Texas' plans to execute Jose Ernesto Medellin, a Mexican national convicted of rape and murder. In another, he argued in favor of states' rights to execute people for raping children, a case his side lost.

Mr. Cruz was part of the team that successfully defended the presence of a Ten Commandments monument at the state Capitol. He was lead counsel on a brief by 31 states that advocated for strong individual gun-ownership rights, a case that produced a landmark pro-gun ruling from the Supreme Court.

The Medellin case, in particular, boosted Mr. Cruz's stature, because he took on a United Nations court, as well as President George W. Bush.

The International Court of Justice said the U.S. needed to reconsider Mr. Medellin's death sentence, because he wasn't informed of his right under a U.S.-ratified treaty to contact Mexican consular officials. Mr. Bush then pledged that Texas state courts would honor the world court decision, a move Mr. Cruz portrayed as an unprecedented assertion of presidential power that intruded on the domain of the states and the judiciary. The Supreme Court agreed in a 6-3 ruling.

"Texas was front and center resisting everybody: George Bush, death penalty abolitionists and the world community," said Ilya Shapiro of the libertarian Cato Institute. "The case was intellectually interesting and politically significant, and shows both Ted Cruz's legal capacity and political savvy."

Cornell law professor Sandra Babcock, who represented Mr. Medellin, said Mr. Cruz's efforts to stymie the U.S. from honoring its treaty obligations are troubling for someone who wants to be president. The decision "continues to be a thorn in the side of relations between the U.S. and Mexico," she said.

Mr. Cruz has received presidential endorsements from supporters who say they were particularly moved by his legal defense of religious liberty, the Second Amendment and other conservative causes.

One came on Monday from a group of activists connected to the conservative Eagle Forum, which said that Mr. Cruz's "courageous conservatism is indisputable," and cited a number of his legal cases.

Mr. Cruz left the solicitor general's office in 2008 for Morgan, Lewis & Bockius LLP. Like other government lawyers who make the transition to private practice, he saw his case mix change significantly. His clients were mostly companies, including FedEx Corp., JP Morgan Chase & Co. and Kraft Foods. Many cases revolved around labor disputes.

Mr. Cruz did work for clients that favored oil drilling in the Gulf of Mexico. He handled intellectual property matters, including a case about patents for deep fryers, which made it to the Supreme Court, where he won handily.

Occasional cases could soften Mr. Cruz's image with voters, including his pro bono work for Louisiana resident John Thompson, who spent 18 years in prison—and was almost executed—

for a murder he didn't commit. Mr. Thompson won a \$14 million jury verdict as a result, and Mr. Cruz worked on the case when it came to the Supreme Court. The effort to preserve Mr. Thompson's award fell short in a 5-4 ruling by the court's conservative justices.

Drawing inferences about a candidate based on his legal work can be a tricky affair, because lawyers don't necessarily get to pick their clients, and there is a longstanding legal tradition of lawyers advocating zealously for their clients, even if they don't agree with them.

The adversarial system "depends on people representing both sides," said Indiana University law professor Charles Geyh.

Mr. Tyler said that as a private attorney, Mr. Cruz had a duty to represent his clients, and he did so to the best of his ability. "It's not up to him to make political judgments about their cases," he said.

A Morgan Lewis spokesman declined to comment on Mr. Cruz's work, saying firm policy barred the discussion of former partners.

In the China tire case, Morgan Lewis represented Shandong Linglong Rubber Co., which along with a Dubai-based company was ordered in 2010 to pay a \$26 million copyright-infringement judgment to Alpha Mining Systems of Sarasota, Fla. Alpha had accused the foreign firms of conspiring to steal its proprietary mining tire designs.

"We lost 80% of the business, and it drifted down from there," said Jordan Fishman, the firm's third-generation owner.

On appeal, Linglong argued the jury's verdict couldn't stand because the alleged conduct took place overseas, beyond the reach of the Copyright Act. Mr. Cruz was listed as counsel of record, but didn't argue the case in court. A Virginia-based appeals court rejected the argument in 2012.

Linglong, after some wrangling from Mr. Fishman's attorneys, Weisbrod Matteis & Copley, paid the judgment. Alpha didn't recover the market share it once held, said Mr. Fishman, who blames Mr. Cruz. "I lost nine years of my life, and he can't give it back me," he said.

In Mr. Cruz's primary fight for the Senate the same year, state Lt. Gov. David Dewhurst, the favorite at the time, blanketed the airwaves with attack ads that referenced the matter. A website called Real Ted Cruz, backed by Mr. Dewhurst, labeled the Republican "Red Ted."

In two other cases, Mr. Cruz raised eyebrows for his work to preserve two large damages awards in New Mexico, each of which set state records at more than \$50 million, which went to people who were harmed severely in nursing homes. One award went to the daughter of a woman who bled to death. Another went to a disabled man who was raped by an employee. Both cases ended in settlements.

His work to preserve the awards came after he defended a tort revamp in Texas that sharply limited some similar personal injury payouts. Mr. Cruz talked up his work defending the Texas

law during his Senate campaign and has voiced support as a policy maker for Texas-style legal reform.

“These were both horrific cases of malfeasance. The people who were responsible deserved to be punished,” Mr. Tyler said.

Michael A. Gross, a lawyer for one of the New Mexico victims, said he respected Mr. Cruz’s legal talents but was bothered by how easily he took opposite sides of the tort issue.

“Ted, I believe, based on my interactions with him, believed we had a righteous cause, and it was the right thing to do for this family to recover punitive damages for reprehensible conduct. For him to be arguing now that there ought to be tort reform is completely hypocritical,” said Mr. Gross, a Democrat.