# Rachel S. Brass

Partner

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Rachel S. Brass is a partner in the San Francisco office of Gibson Dunn and Global Co-Chair of the firm's Antitrust and Competition Practice Group. She is a member of the firm's Litigation Department where her practice focuses on litigation and investigations in the antitrust, class actions, and employment areas. Rachel has extensive experience representing international and domestic clients in high-stakes appellate litigation in the Supreme Court, as well as federal and state appellate courts throughout the United States.

Rachel's antitrust and competition experience includes litigation and trial of indirect and direct purchaser class actions, trial of price fixing, collusion and monopolization claims, international and domestic cartel investigations, mergers and acquisitions, and other antitrust investigations by the Federal Trade Commission, United States Department of Justice, the States Attorney Generals, European Commission, Canadian Competition Bureau, Korean Fair Trade Commission, Japan Fair Trade Commission, Administrative Council for Economic Defense – CADE, and Australian Competition and Consumer Commission. Rachel has represented clients in a number of industries, including semiconductors, health care, insurance, hardware, software, telecommunications, and other high technology, auto parts, package delivery, transportation, logistics, agriculture, and retail, among others. She has significant experience in international matters and for seven years taught an upper-level course in International Antitrust Law at Berkeley Law School.

In addition to her international competition practice, Rachel has successfully represented companies in single plaintiff and class action Title VII, ADA, FEHA, and Unruh Act discrimination claims, as well as wage and hour class actions. Representative matters include persuading the United States Supreme Court to reverse the certification of the largest class action brought under Title VII; litigating the scope of the Pregnancy Discrimination Act and Sarbanes-Oxley whistleblower protections; persuading the U.S. Court of Appeals for the Third Circuit to vacate the certification of the largest class action brought under the Americans with Disabilities Act on interlocutory review; obtaining clarification of the standards for the business necessity defense and vacatur of a district court's adverse post-trial rulings under the Americans with Disabilities Act from the en banc Ninth Circuit; and obtaining and sustaining a favorable district court ruling rejecting plaintiffs' counsel's claim for attorney's fees in a California Fair Employment & Housing Act case.

Rachel is consistently recognized for her outstanding antitrust work by leading professional publications. In 2022, *Law360* named her a Competition MVP, highlighting her successful defense at the class certification stage in major "no poach" litigation involving fast-food franchises, as well as her victory for Apple in the Epic Games litigation. *Legal 500 U.S.* recognized Rachel as a "Leading Lawyer" for Antitrust: Civil Litigation/Class Action Defense. Additionally, she was named to *Who's Who Legal Competition* in 2023 and 2024. *Expert Guides* included her in its 2022 Guide to the World's Leading Women in Business Law. *Global Competition Review* listed Rachel

## Capabilities

Antitrust and Competition
Appellate and Constitutional Law
Class Actions
Consumer Products and Retail
Higher Education
Labor and Employment
Litigation
Technology Litigation
Trials

## Credentials

### Education

University of Minnesota - 2001 Juris Doctor
Washington University in St. Louis - 1996 Bachelor of Arts

### Admissions

California Bar

### Clerkships

USDC, Minnesota, Hon. James M. Rosenbaum, 2001 - 2003

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among its “Top 100 Women in Antitrust” in 2021, while the *Daily Journal* has recognized her on its “Top Antitrust Lawyers” list every year since 2020. She was also featured in *Lawdragon*'s “500 Leading Litigators in America” (2023-2026) and "500 Leading Antitrust and Competition Lawyers" for 2025 and 2026. In 2019, *Women Competition Professionals* in the Americas honored Rachel as one of their “40 in Their 40s.” In its annual Top Verdicts of California 2018 feature, the *Daily Journal* recognized Rachel for her complete defense jury verdict, a first of its kind class action trial of direct and indirect purchaser antitrust claims. In 2018, she was selected by *The American Lawyer* as a “Litigator of the Week” in connection with that same win. Rachel has been recognized by *Best Lawyers in America*® in Litigation-Antitrust since 2013, identified in the Antitrust category by *Super Lawyers*, and ranked in Band 1 in the California Antitrust category by *Chambers USA*. *Concurrences Review* recognized Rachel at its 2017 Antitrust Writing Awards for her article “Practical Advice for Avoiding Hub-and-Spoke Liability,” which was selected as the winner in the Business category, Concerted Practices section. The article originally appeared in the October 2016 issue of *The Antitrust Source.*

Rachel speaks regularly on antitrust and complex class action issues, including programs for the United States Department of Justice, The Organisation for Economic Cooperation and Development, the American Bar Association, the State Bar of California, the State Bar of Arizona, the Association of Business Trial Lawyers, and the Bar Association of San Francisco. She is the past-President of the Northern California Chapter of the Association of Business Trial Lawyers and serves on the Board of Directors of Kids in Need of Defense (KIND), an organization that protects unaccompanied children who enter the U.S. immigration system alone to ensure that no child appears in court without an attorney. She is on the Advisory Board of the University of Minnesota Law School. She served as Editor-in-Chief of the *Antitrust Report* from 2008 to 2016.

Rachel received her law degree, *magna cum laude*, from the University of Minnesota in 2001. She was Editor-in-Chief of the *Minnesota Journal of Global Trade*, a member of the Order of the Coif, and recipient of the Ralph M. McCareins Antitrust Prize. Prior to joining the firm, Rachel served as a law clerk for the Honorable James M. Rosenbaum, United States District Court, District of Minnesota. Rachel graduated *summa cum laude* from Washington University in St. Louis, where she received a Bachelor of Arts degree and was a member of Phi Beta Kappa.

Rachel is admitted to practice in the State of California. She is a member of the firm’s Hiring, Professional Development, and Bay Area Diversity Committees, and maintains an active pro bono practice representing clients in cases involving civil rights, immigration, and other matters.


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