# Eugene Scalia

Partner

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Eugene Scalia is a partner in the Washington, D.C. office of Gibson Dunn. He founded and Co-Chairs the firm's Administrative Law and Regulatory Practice Group, and was long-time Co-Chair of its Labor and Employment Practice Group. He is a senior member of the Financial Institutions Practice Group. He served for many years on the Firm's Executive Committee.

In addition to his time at Gibson Dunn, Mr. Scalia has extensive experience in government, having served in the President's Cabinet as U.S. Secretary of Labor; as Solicitor—general counsel—of the Department of Labor; and as a special assistant to the Attorney General. He has worked with governors, senators and congressmen, fellow cabinet members, and executives of leading American companies.

Mr. Scalia has a nationally-prominent practice in two areas: Labor and employment law, and advice and litigation regarding the obligations of federal administrative agencies. He also has extensive appellate experience. His success challenging government overreach has been widely covered in the national media, including in profiles in *The Wall Street Journal*, *Financial Times*, and *Bloomberg*. Agency actions he has challenged include the Federal Trade Commission's nationwide ban on non-compete agreements; the SEC's "proxy access" rule and "private fund adviser" rule; the CFTC's "position limits'" rule; MetLife's designation as "too big to fail" by the Financial Stability Oversight Council; and the Labor Department's "fiduciary" rule. He has successfully sued the SEC ten times over its regulatory actions.

As Labor Secretary from 2019 to 2021, Mr. Scalia engaged at the highest level with national employment policy and matters affecting the financial services industry and international trade. He also served as Chair of the Board of Directors of the Pension Benefit Guaranty Corporation and as a member of the White House Coronavirus Task Force. Laws administered by the Labor Department include the workplace safety requirements of OSHA, federal minimum wage and overtime protections, the anti-discrimination requirements applicable to federal contractors, and ERISA's protection of the more than $11 trillion held in employee retirement plans and health plans.

Mr. Scalia served as Solicitor of Labor from 2002 to 2003, with responsibility for all Labor Department litigation and legal advice on rulemakings and administrative law. He is the only person to have served as both Solicitor and Secretary of Labor. From 1992 to 1993 he served at the U.S. Department of Justice as a Special Assistant to Attorney General William P. Barr.

In private practice, Mr. Scalia has represented employers in high-profile matters under the National Labor Relations Act and in class actions and collective actions under Title VII, the Americans with Disabilities Act, the Age Discrimination in Employment Act, ERISA, and federal and state wage hour laws. He has handled employment cases in the U.S. Supreme Court, federal and state appellate and district courts, and in numerous

## Capabilities

Administrative Law and Regulatory Practice
Appellate and Constitutional Law
Employee Retirement Income Security Act (ERISA) Litigation
Financial Institutions
Labor and Employment
Litigation
Securities Regulation and Corporate Governance

## Credentials

### Education

University of Chicago - 1990 Juris Doctor
University of Virginia - 1985 Bachelor of Arts

### Admissions

District of Columbia Bar
California Bar
Virginia Bar

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arbitrations. He has been a leading authority on “whistleblower” investigations and litigation since enactment of the Sarbanes-Oxley Act. Mr. Scalia also counsels employers on reductions-in-force and harassment and discrimination investigations, and is the author of a widely-cited law review article on sexual harassment law. He has provided pro bono representation to workers in discrimination matters, wrongful separation disputes, and other matters.

Mr. Scalia is a Senior Fellow of the Administrative Conference of the United States, a federal agency that makes recommendations to Congress and the Executive Branch on ways to improve the administrative process. Among other accolades, he has been named an “Employment MVP,” a “Securities MVP,” and an “Appellate MVP” by *Law360*, and 2027 Lawyer of the Year for Litigation – ERISA in Washington, D.C. by *The Best Lawyers in America*®. For nearly two decades, he has been ranked a “Band 1” Labor and Employment lawyer in Washington, D.C. by *Chambers*. Mr. Scalia and his regulatory practice have been profiled in numerous articles, bearing such titles as “Suing the Government? Call Scalia!,” and “Eugene Scalia Leads Business’ Push Against Agency Rulemaking.” The *National Law Journal* recognized Mr. Scalia as a “Visionary” for his litigation against regulatory agencies, and the *Nation* magazine has called him a “fearsome litigator.” He has taught law as an adjunct professor at the University of Chicago and University of Virginia.

Mr. Scalia graduated *cum laude* from the University of Chicago Law School, where he was editor-in-chief of the *Law Review*. He graduated With Distinction from the University of Virginia and was a speechwriter for Education Secretary William J. Bennett before attending law school. Mr. Scalia and his wife Trish have seven children.


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