Katherine V.A. Smith

Partner

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Los Angeles



Katherine V.A. Smith is a partner in the Los Angeles office of Gibson, Dunn & Crutcher. Katherine serves as co-chair of the firm's Labor and Employment Practice Group. Katherine represents employers in high stakes employment lawsuits and government investigations and advises employers on all aspects of employment law.

Katherine is recognized by *Chambers USA* as a top Labor & Employment lawyer in California, by *Legal 500 US* as a "Leading Partner" for Labor and Employment Disputes nationwide, and by *Lawdragon* as one of the "500 Leading Corporate Employment Lawyers" (2024-2027). She is also recognized as a "Top Labor and Employment Lawyer" by the *Daily Journal* (2023-2026), and by *The Los Angeles Business Journal* as a "Leader of Influence" for Labor & Employment (2022-2026).

The American Lawyer named the practice group Katherine co-leads as the Labor & Employment Litigation Department of the Year in its most recent competition. *The American Lawyer* noted, "with novel labor and employment issues swirling, Gibson Dunn's litigators set standards and settle the law," and that a case "typical for Gibson Dunn's labor and employment team" is "high-profile," "cutting-edge," and "a victory." The group was also recently recognized for the thirteenth time, more times than any other firm, as a *Law360* Employment Practice Group of the Year, and has won *The National Law Journal's* D.C. Labor & Employment Litigation Department of the Year competition for the last nine years in a row. Gibson Dunn's Labor & Employment Group is ranked Tier 1 in Labor and Employment Disputes: Defense by *US Legal 500*, noting that "Gibson, Dunn & Crutcher LLP's practice is regularly called upon by boards of directors and CEOs of major corporations in the retail, tech, and financial services segments for its employment litigation prowess."

Katherine has extensive experience representing employers in individual, representative and class action litigation at both the trial court and appellate level. Katherine's representative litigation matters include:

- Defeated certification in a putative wage and hour class action in California state court. Following two days of argument by Katherine, the court switched its tentative ruling and agreed that current and former remote employees could not maintain a class action.
- Secured denial of the largest two classes Plaintiffs sought to certify in a sprawling reverse race discrimination case for a multinational information technology services and consulting company.
- Obtained summary judgment in full on behalf of GRAIL, Inc., a cancer screening biotechnology company, as to its former employee's claims of race-based discrimination, harassment, and retaliation brought in California state court, following a two-day hearing argued by Katherine.
- Obtained multiple judgments in her clients' favor in private arbitration, including

Capabilities

Labor and Employment
Artificial Intelligence
Class Actions
ESG: Risk, Litigation, and Reporting
Employee Retirement Income Security Act (ERISA) Litigation
Higher Education
Litigation
Media, Entertainment, and Technology
State Attorneys General
Technology Litigation
Trials

Credentials

Education

University of Virginia - 2006 Juris Doctor
Duke University - 2003 Bachelor of Arts

Admissions

California Bar
Michigan Bar

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complete victories on sexual harassment and discrimination claims in two separate week-long evidentiary hearings, a full defense judgment in a breach of employment agreement suit following a two-week evidentiary hearing, and a win on summary judgment in a defamation case.

- Successfully convinced a Los Angeles Superior Court judge to sustain a demurrer as to causes of action for harassment and intentional infliction of emotional distress against a Netflix Vice President.

In addition to litigation, Katherine also dedicates a significant portion of her practice to advice and counseling, as well as internal investigations. Katherine's representative counseling and investigation matters include:

- Led high-profile workplace investigations for a Special Committee of the Board of Directors of Wynn Resorts and the Los Angeles Opera.
- Advised numerous companies on DEI initiatives following the Supreme Court decision in the Harvard admissions case, and is a leader of the Firm's DEI Task Force.
- Counseled multiple companies through large-scale reductions in force, including WARN compliance, development of severance programs, and communications and messaging.
- Advised numerous companies on the exit of C-suite level executives, including drafting severance packages, enforcing "for cause" and noncompete provisions, and directly negotiating mutually agreeable departures.
- Counseled numerous employers on how to respond to high-profile and high-risk allegations of sexual harassment, assault, discrimination, and whistleblowing, including strategies for investigation and disciplinary action, advising Boards and senior stakeholders on legal risk, negotiating prelitigation resolutions, preparing for potential litigation, and consulting with media teams on press strategies.
- Successfully defended multiple companies before federal and state agencies in connection with systemic and individual harassment, discrimination, and retaliation charges and investigations.

Katherine earned her law degree in 2006 from the University of Virginia, where she was a member of the editorial board for the *Virginia Law Review.* She graduated *cum laude* from Duke University in 2003, with a Bachelor of Arts in Political Science.

Katherine also serves on the Firm's Pro Bono, Community Affairs, Global Diversity, Partnership Evaluation, and Associate Compensation Committees. She sits on the Board of Directors of the Los Angeles LGBT Center, the world's largest LGBT non-profit organization. Katherine is admitted to practice law in the State of California and the State of Michigan.

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