

D.C. LITIGATION DEPARTMENTS OF THE YEAR

A SPECIAL REPORT

GIBSON, DUNN & CRUTCHER

LABOR & EMPLOYMENT WINNER

ONE OF THE GREATEST STRENGTHS OF the D.C. labor and employment practice at Gibson, Dunn & Crutcher is blending its expertise with that of lawyers across the firm's disciplines.

"Our employment lawyers work seamlessly with our class action, appellate, securities, white collar and other litigators to tackle our clients' toughest challenges," practice co-chairman Jason Schwartz said.

Some of Gibson Dunn's competitors either can't offer the same combinations of expertise or don't encourage teamwork, Schwartz said. "It's an 'eat what you kill' type of mentality. Here, everybody gets rewarded on how well they work as a member of a team."

Putting the right team together resulted in several high-profile victories last year for Gibson Dunn's national and international corporate clients.

After a nationwide class of 30,000-plus members was certified in a decade-long gender pay discrimination class action against Family Dollar, it replaced its lead counsel with Gibson Dunn.

Schwartz promptly brought together a nationwide team with employment, class actions, and appellate expertise to launch a new strategy to compel individual arbitrations and negotiate a favorable settlement for the client.

For its client Credico (USA), Gibson Dunn also pulled together a cross-functional team to successfully defend the sales and marketing brokerage firm in a nation-



JASON SCHWARTZ

wide collective and class action over employee classifications.

A federal district judge in New York granted summary judgment for Credico in October, dismissing all claims against the company. A month earlier, the firm secured a summary judgment victory for Credico in a separate but related case. Both times, Schwartz made novel joint-employer and outside sales exemption arguments the court adopted.

With more than 1,500 plaintiffs opting into the lawsuit, an unfavorable outcome for Credico would have been costly. "It was an attack on the essential business model of Credico," said Jennifer Clark, Credico's chief legal officer.

When Clark hired Gibson Dunn, she was "looking for a better advocate, some-

one who would dig in and understand our business." The employment lawyers exceeded expectations, becoming "true partners in the business."

Even Harold Lichten of Lichten Liss-Riordan, the opposing counsel, heaped praise on the Gibson Dunn team, Schwartz in particular. "In court, he made very good arguments, but he didn't overblow his case, didn't distort the record or mischaracterize our case. He fought it hard, but he fought it fairly," he said.

Gibson Dunn's Gene Scalia and Jason Mendro also recently won a huge victory when they persuaded the Fifth Circuit to strike down a controversial Labor Department fiduciary rule. It's estimated that compliance would cost about \$16 billion. —LAURA CASTRO

firm facts

Name of firm: Gibson, Dunn & Crutcher
Founded: Los Angeles
Total number of attorneys: 1,370
Litigators as percentage of firm: 59 percent
Litigators as percentage in D.C.: 83 percent
Litigation partners firmwide: 204
Litigation associates firmwide: 575
D.C. L&E litigation partners: 6
D.C. L&E litigation associates: 22

keys to success

- Put the right team on the field: Find the lawyers best suited to win each particular case.
- Learn the client's business: Visit the work site, learn the job and the industry, and be able to explain it to a judge and a jury.
- Be creative, practical and service-focused: Find new solutions that work in the real world and be responsive to clients 24/7.

—Jason Schwartz