

## d.c. litigation departments of the year

### LABOR & EMPLOYMENT

## GIBSON, DUNN & CRUTCHER

**GIBSON, DUNN & CRUTCHER SIGNED** on about four years ago to represent Uber Technologies Inc. in class action lawsuits alleging the company misclassified drivers as independent contractors. At the time, Uber was facing a certified class, a looming trial date and tens, if not hundreds, of millions of dollars in potential back pay and benefits, had drivers been found to be employees.

Fast-forward to September 2018: Gibson's team, including D.C. partner Joshua Lipshutz, won a Ninth Circuit ruling reversing the district court's class certification decision and compelling the drivers to arbitrate their claims.

"We definitely view ourselves not only as defenders of companies but advocates for necessary changes in the law—or the courts' interpretation of the law," Lipshutz said. In Uber's case, the Gibson Dunn team convinced the Ninth Circuit that a named plaintiff who opted out of arbitration with Uber didn't have authority to pursue class claims on behalf of drivers who had agreed to arbitration. Gibson has since wielded that precedent to get other courts to take earlier looks at whether class certification is appropriate. Meanwhile, the firm's gig economy client-base has expanded to include on-demand food delivery service DoorDash, scooter-sharing company Lime, and transportation, education and health care companies.

Jason Schwartz, the D.C.-based co-chair of Gibson's labor and employment practice, says there's "no parochial atmosphere" or barriers to bringing in experts in appellate law, corporate governance and white collar investigations early in cases. That approach helped the firm land assignments from Vox Media and Wynn Resorts in the wake of allegations of workplace misconduct by leaders at the two companies. D.C. partner Greta Williams said the firm drew on its experience in handling high-stakes matters that have a media strategy component on top of the legal



GRETA WILLIAMS, JASON SCHWARTZ AND JOSHUA LIPSHUTZ

issue since the investigations played out under heavy scrutiny from the public, employees and shareholders.

Retired Navy Admiral Jay Johnson was part of the special committee of the Wynn Resorts board that hired Schwartz, Williams and L.A.-based colleague Katherine V.A. Smith to lead an internal investigation after company founder Steve Wynn's resigned in the wake of sexual misconduct allegations. Johnson said that the Gibson team brought great experience, integrity and what he termed "works-manship"—"the ability to work together through really tough circumstances and really tough issues."

The resulting review led Wynn Resorts to bring in a new head of human relations, elevate that position within the corporate structure and increase the avenues employees have to report workplace issues.

"I can't imagine a better team to have worked with," Johnson said. "If I had to do it tomorrow again, I wouldn't even put it out for bid."

—ROSS TODD

### firm facts

Name of firm: Gibson, Dunn & Crutcher  
Founded: Los Angeles  
Total number of attorneys: 1,386  
Litigators as percentage of firm: 57.7%  
Litigators as percentage in D.C.: 83.9%  
Litigation partners firmwide: 201  
Litigation associates firmwide: 566  
D.C. litigation partners: 48  
D.C. litigation associates: 136

### keys to success

- Treat every client as your only one: learn their business and make their goals your own
- Treat every case as your most important: focus intensely, creatively and collaboratively to achieve great results as a team
- Have fun: we work on terrific matters with amazing clients and colleagues.

—Jason Schwartz