MVP: Gibson Dunn's Theane Evangelis

By **Kevin Penton**

Law360 (November 21, 2019, 4:46 PM EST) -- Theane Evangelis of Gibson Dunn & Crutcher LLP successfully defended Uber as the ride-hailing giant secured a major victory at the Ninth Circuit against hundreds of thousands of drivers who claimed they were misclassified as independent contractors, placing her among Law360's 2019 Class Action MVPs.

Theane Evangelis
Gibson Dunn

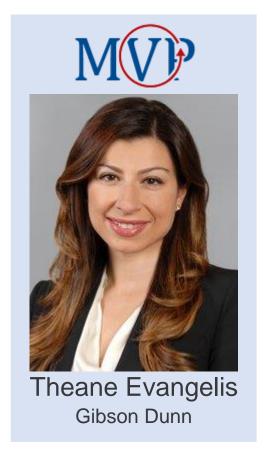### HER BIGGEST ACCOMPLISHMENT IN THE PAST YEAR:
Evangelis represented Uber Technologies Inc. when the Ninth Circuit found in September 2018 that the company's arbitration agreements with drivers were valid and enforceable based on the U.S. Supreme Court's May 2018 Epic Systems ruling.

The appellate court panel determined that the class action waivers included in the drivers' contracts were covered by the Supreme Court's finding in Epic Systems that such waivers are a permissible part of employee arbitration agreements.

Uber and drivers in California and Massachusetts later agreed to settle the dispute for $20 million, with the California federal judge signing off on the deal in August.

Evangelis and the other Gibson Dunn attorneys who worked on the case anticipated that the litigation would end up before the Ninth Circuit, so she said they always handled the various issues that were part of the dispute with an eye on how the appellate court would interpret them, she said.

"That case is an example of the importance of having an appellate strategy in class actions at an early stage of a case," Evangelis said.

WHAT MOTIVATES HER:
Evangelis enjoys partnering with clients to better understand their immediate and long-term objectives. Seeing her clients succeed at what drives them pushes Evangelis to do more for them and for others she represents, through either litigation or counseling, she said.

"I really enjoy partnering with them to win, not only on the case that we're handling, but on a bigger-picture level," Evangelis said.

WHY SHE LOVES CLASS ACTIONS:

Evangelis began working on class actions not long after joining Gibson Dunn in 2007, she said. At the time, the attorney worked on representing Walmart in the landmark Dukes case that eventually landed in the Supreme Court. The high court in 2011 reversed certification of the class of 1.6 million female employees who had alleged gender discrimination in pay and promotion policies.

The attorney was attracted to the field of class actions because it offers the opportunity to be working on cutting-edge legal issues that courts constantly grapple with, she said.

"The litigation around class actions is intellectually challenging, interesting and increasingly important," Evangelis said.

HER ADVICE FOR JUNIOR ATTORNEYS:

Younger attorneys who are beginning their careers should try to find emerging legal issues that appeal to them and do what is necessary to become experts in them, Evangelis said. She pointed to her own experience in representing gig-economy clients such as Uber as that industry took off in recent years.

"Look for an area that interests you, dive in and become an expert on it, and look for opportunities to continue to do that," Evangelis said.

— As told to Kevin Penton

Law360's MVPs are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals and complex global matters. A team of Law360 editors selected the 2019 MVP winners after reviewing nearly 900 submissions.