

TOP WOMEN Lawyers 2021

Theane D. Evangelis



GIBSON, DUNN & CRUTCHER LLP
LOS ANGELES

Practice Type:
Appeals, class actions

Evangelis has been keeping the wheels of the gig economy turning. A highly experienced appellate attorney and the co-chair of her firm’s class action practice, she represents drive-hailing leader Uber Technologies Inc. and its food-delivery unit Postmates Inc. Much of her work over the last year and more has been to ensure the companies’ drivers could remain independent contractors rather than employees.

“It has been an important year for the future of work in California,” she said. “It’s been an exciting year to be at the cutting edge of the ever-changing legal landscape on these issues.”

Probably the high point from her clients’ point of view was the adoption in November of Proposition 22, which largely allows app-based businesses like Uber to classify drivers as independent contractors.

Evangelis’ work helped make that win possible. She and a Gibson Dunn team blocked an effort by opponents of the ballot initiative — mere days before the election — to silence Uber’s communication to drivers about the measure. *Valdez v. Uber Technologies Inc.*, GCG-20-587266. (S.F. Super. Ct., filed Oct. 22, 2020).

“It was a clear First Amendment violation,” she said. “The court rejected that out of hand and made clear that that was an unconstitutional prior restraint.”

Previously, Evangelis led Uber’s defense against many other lawsuits about its business model, including raising challenges to AB5, the statute that generally broadens California’s definition of an employee.

Recently, she filed a petition on behalf of Uber asking the U.S. Supreme Court to resolve a circuit split on worker classification under the Fair Labor Standards Act. *Uber Technologies, Inc. v. Razak*, 20-1414 (U.S. S.Ct., filed April 5, 2021).

She does represent other clients in cases not about employment status. In February, she won an appeal affirming a summary judgment against a consumer class action involving motorcycle price tags. *Baker v. Yamaha Motor Corp.*, E072089 (Cal. App. 4th Dist., filed Feb. 4, 2021).

A former clerk for Supreme Court Justice Sandra Day O’Connor, Evangelis also has taken on some very different issues. She was part of the team that won the federal appellate ruling affirming Ashley Judd’s right to sue Harvey Weinstein for sexual harassment.

And in 2009-13, she was on the team that led the court fight that defeated Proposition 8, the California ballot measure that had banned same-sex marriage.

— Don DeBenedictis