

Rising Star: Gibson Dunn's Megan Cooney

By Jon Steingart

Law360 (June 1, 2022, 2:02 PM EDT) -- Megan Cooney of Gibson Dunn & Crutcher LLP steered Amazon to a trial victory when a California federal judge found that a former employee of the company was exempt from wage and hour requirements, earning her a spot among the employment law practitioners under age 40 honored by Law360 Rising Stars.

HER BIGGEST CASE:

A case that recently ended in a trial victory for Amazon was particularly challenging because Gibson Dunn took over the company's defense from another firm that had been representing it, Cooney said. Following a bench trial, U.S. District Judge Jeffrey S. White held on May 20 that a former delivery station manager was exempt from California's wage and hour requirements because the employee's main job was overseeing others, even as he spent negligible time performing some nonexempt work like handling packages.

Cooney said taking over the case from another legal team required a creative approach to representing her client.

"Because we came in when discovery was closed, it was a unique opportunity to take a case that had a fairly set record and make it what we wanted it to be at trial," she said. "Whenever a case goes to trial, I always find that to be particularly exciting and rewarding because it really is a summation of all the hard work we do for many years."

HER PROUDEST MOMENT:

Cooney said she was especially pleased by securing a victory for Grubhub in February 2018, following a bench trial the previous fall, in a suit alleging it misclassified a food delivery driver as an independent contractor and failed to pay benefits and protections that would be required under California law if he were an employee.

The case drew a lot of attention because it was the first app-based gig economy misclassification suit to reach trial and was seen as a bellwether for similar claims.

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Megan Cooney
Gibson Dunn

Age: 32
Home base: Irvine, Calif.
Position: Partner
Law school: Pepperdine University School of Law
First job after law school: Associate at Gibson Dunn & Crutcher LLP

"That area of law has been a fascinating one to follow over the last several years," Cooney said. "It's always really rewarding to have a victory, especially after you work so hard with a great team of people to put together something that you really feel is strong, and the court sees it that way."

There may be another opportunity to take the case to another trial, as the parties are scheduled to appear at a hearing in July to discuss whether one is needed so the court can evaluate the driver's claims under a different legal standard. Two months after the trial judge ruled for Grubhub, the California Supreme Court retroactively revised the misclassification test that's used for determining whether state employment laws cover an individual.

WHAT MOTIVATES HER:

Litigation and counseling are the two areas of practicing employment law that Cooney finds most engaging, and it helps that they complement each other, she said.

"Those sorts of big moments in the job motivate me: the significant briefs, the trials," she said. "I love feeling like the team has all come together and we're working hard and we're focused on something really significant in the case. There's no energy quite like that."

Litigating employment claims helps with advising clients on how they should handle issues that arise in day-to-day workplace management, she added.

"I think it makes me a better litigator to have that other side of my practice that forces me to think practically and strategically in a different way," she said.

WHY SHE'S AN EMPLOYMENT ATTORNEY:

At its core, employment law is about personal relationships and the human experience, Cooney said. That helps make it relatable and engaging, she said.

"Every new case — even if it's a claim that we've seen before that gets brought in many cases — it's always a new story of someone's experience, someone's job," she said. "I love diving in to learn: What was that person's job? What was the story behind their experience?"

ON THE IMPORTANCE OF MENTORING:

In addition to her client work, Cooney spends time bringing up the next generation of attorneys through mentoring and recruiting, as well as coordinating the summer associate program for her firm's local office.

"I appreciate how good it is to see those examples and to have someone that you can talk to about what they do, how they think about it, and get that experience and that training," she said.

"I'm always looking for and excited to find ways to help with recruiting summer associates who are going to be the next leaders of our firm and in the industry and to help them to start their journey off the best way," she added.

ON THE FUTURE OF EMPLOYMENT LAW:

As technology continues to play new roles in workplaces, questions will persist about how to apply existing rules to innovative practices, Cooney said.

As an example, she noted a case in which she defeated class certification in a suit filed by a former Amazon Prime Now shopper who alleges that off-the-clock time spent signing up for shifts should be compensated.

"With every year, employment litigation, especially class action employment litigation, seems to be more and more focused on technology and what is alleged to be a technological error, rather than a direct human error," she said. "As companies continue to develop new ways to leverage exciting technology in their businesses, I anticipate those same things will come up in our employment litigation."

— *As told to Jon Steingart*

Law360's Rising Stars are attorneys under 40 whose legal accomplishments belie their age. A team of Law360 editors selected the 2022 Rising Stars winners after reviewing more than 1,350 submissions. Attorneys had to be under 40 as of April 30, 2022, to be eligible for this year's award. This interview has been edited and condensed.