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KATHERINE V. A. SMITH

GIBSON, DUNN &
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LOS ANGELES

Katherine V. A. Smith is co-chair of Gibson, Dunn & Crutcher LLP's labor and employment practice group and the leader of the firm's DEI Task Force. She joined the firm in 2006.

"I enjoyed debate in high school and always wanted to be a litigator," she said. "If you go to law school and then don't litigate, it's like learning French and never going to France."

As for choosing employment law as her area of practice, Smith explained that the variety of cases is key. "At the end of the day, it's always about people — their motivations, beliefs and feelings. It's endlessly fascinating."

Gibson Dunn launched its DEI Task Force in 2023 after the U.S. Supreme Court ruled in *Students for Fair Admissions v. Harvard* that race-based affirmative action programs in college admissions can violate the Equal Protection Clause.

"There was a shift in thinking around reverse discrimination, and we saw a significant uptick in advocacy claims involving DEI, which many people newly viewed as affirmative action in the corporate sphere," Smith said, noting that clients needed advice on how to handle those concerns. "We don't think that's an accurate reflection of what most corporations are trying to do around DEI."

When President Donald J. Trump was reelected, his intensified targeting of DEI for elimination — the subject of a series of early executive orders — added to Smith's and the Gibson Dunn task force's workload.

"We had been busy and became busier," she said. "DEI remains important and personal to many clients, so we work with them to evaluate and adjust their programs to try to stay true to their values."

In Smith's litigation work, she has scored a series of significant recent wins. In April 2025, a federal circuit court panel ruled for a major automaker client after she and Gibson Dunn entered a case over a worker's allegations of a sexually and racially hostile work environment due to

harassment by a co-worker. Defending a favorable jury verdict, Smith and co-counsel persuaded the panel to affirm on all points. *Johnson v. Ford Motor Co.*, 24-1550 (6th Cir., op. filed Apr. 8, 2025).

In late 2024, Smith achieved a rare win on summary judgment in state court over discrimination, retaliation and harassment claims by a former employee against a health care biotech client and two senior employees. *Cheung v. Grail Inc.*, 23CV-038119 (Alameda Co. Super. Ct., filed July 11, 2023).

"State courts are typically reluctant to take harassment cases away from juries," Smith said. "But here we had one lone comment, a bad joke about a Vietnamese nail salon, made by the plaintiff's subordinate. We agreed it was in bad taste and inappropriate, but Grail took prompt disciplinary action against the subordinate, exactly what it was supposed to do."

In 2023, Smith conducted a successful day-long cross-examination via Zoom of a plaintiff, a former CEO's former executive assistant at a video gamemaker, who claimed harassment and misclassification. An arbitrator ruled last year that Smith "provided ample evidence of claimant's lack of veracity." Smith asked to keep her client confidential.

"I get to fight and win for my clients and also help them mitigate risk," Smith said. "I love my job."