

Employment Group Of The Year: Gibson Dunn

By Irene Spezzamonte

Law360 (February 13, 2026, 4:03 PM EST) -- Gibson Dunn & Crutcher LLP snagged substantial management-side wins last year, including a decision from the Maryland Supreme Court ruling that the de minimis doctrine for federal wage and hours cases applies to state claims, earning the firm a spot among the 2025 Law360 Employment Groups of the Year.

In July, the Maryland justices ruled in a former Amazon.com Services LLC employee's case over unpaid post-shift security screenings that the de minimis doctrine established in a U.S. Supreme Court decision for Fair Labor Standards Act claims applies to suits brought under Maryland wage and hour laws.

Under the doctrine, small amounts of work performed before or after a scheduled shift are not compensable.

The former Amazon employee claimed Amazon failed to compensate her for the time she underwent post-shift security screenings that took about 15 minutes every day, according to the opinion and court records.

Jason Schwartz, co-chair of the firm's employment practice and partner in the firm's Washington, D.C., office, represented Amazon in the case and said it "was one of the coolest experiences I've had as a lawyer."

The case was heard in a community college auditorium full of high school and college students — something the state Supreme Court does on a regular basis to "demystify the state court system and have people be able to understand their work," Schwartz said.

He said that presenting the legal question of the case, which was a matter of first impression, was helpful to him to make sure his arguments were straightforward.

"You're literally looking out at an auditorium full of high school and college students, and you want them to understand what you're saying," Schwartz said. "They're obviously not the audience who's going to decide the case, but it was a great way of emphasizing you need to make this clear and simple and accessible if you want to win."

As for the legal question, Schwartz explained that the challenge involved convincing the justices that



excluding de minimis work from workers' pay "is consistent with the way they've always interpreted all kinds of different Maryland laws."

"Even if, technically, the law says you can't go over 55 miles an hour, nobody gets a speeding ticket for going 56," Schwartz said. "Just as a practical matter, you can't control your car that precisely."

The same goes for wage and hour claims, Schwartz explained, saying that, for example, if a worker for a local gas station is done with a shift and their personal car is blocked by a customer's, it's impossible to track the time it would take them to get out of work.

"To be subject to some sort of gotcha lawsuit for not catching the precise extra seconds, [it] doesn't make any sense," Schwartz said. "The law is not designed to be a gotcha like that."

Another significant win occurred in June, when the First Circuit affirmed workers' bid for equitable tolling in a case against Enterprise Rent-a-Car Company of Boston LLC, Schwartz said.

Schwartz said the case presented a question courts grapple with often — the passage of time between when an FLSA case is filed and when individuals opt in.

In that case, plaintiffs filed a bunch of complaints that were dismissed, and when one survived a dismissal motion, notice went out, but "years had passed by, and the statute of limitations had expired for many, many of the opt-ins, really all of the opt-ins," Schwartz said.

He noted that a Massachusetts federal court found that the individuals should have joined the suit sooner but still gave them a chance to explain their delay. The case then went to the First Circuit, which upheld the district court's decision.

Last year, the firm also successfully reduced a \$238 million win for a former UPS worker's discrimination case to \$40 million, eventually vacating the verdict and getting a new trial set for March, according to Katherine V.A. Smith, partner and co-chair of the firm's labor and employment practice group.

The case "exemplifies one of the things that our practice group does best, which is, we parachute in to cases where there's been an adverse verdict or some decision against the client, and they come find us, and we turn it around completely, which is exactly what happened here," Smith said.

Gibson Dunn, which has about 100 lawyers who primarily practice employment law and another 300 also do employment work, was chosen as one of the Law360 Employment Groups of the Year for the sixth year in a row, records show.

Smith said the firm's secret to success lies in finding the right team to represent its clients.

"We pull people from different offices, from different practice groups, and we find the client the absolute best team for each matter, and that may change over the lifecycle of the case," Smith said. "So, that's really part of our success, is that we are always looking to do what's in the client's best interest when it comes to collaborating and pulling together a team."

--Editing by Kristen Becker.