

Daily Journal

JULY 1, 2026

2026 TOP LABOR & EMPLOYMENT LAWYERS

The annual list of California's top labor and employment lawyers specializing in litigation, PAGA matters, unlawful terminations and workplace investigations.



KATHERINE V.A. SMITH

GIBSON, DUNN & CRUTCHER LLP

LOS ANGELES

Katherine Smith co-chairs Gibson, Dunn & Crutcher's labor and employment practice group and leads the firm's DEI task force. She has practiced for 20 years.

"I have always been interested in employment law because the cases are incredibly diverse and complex," Smith said. "At its core, every employment case is about people, and I enjoy the challenge of understanding the people involved in any case, including their motivations and perceptions."

Smith points to the firm's defense of GRAIL, the cancer-screening biotech, as a career-defining matter. *Cheung v. GRAIL, Inc.*, 23CV038119 (Alameda Super. Ct., filed July 11, 2023).

A former employee brought FEHA claims for race discrimination, harassment and retaliation. California courts tend to keep such cases before a jury, so summary judgment was a long shot, and the court's first tentative ruling went against the defense. After a two-day hearing, the court granted the motion in full, then denied the plaintiff's new-trial motion.

"What made it defining for me wasn't the result so much as what it took to get there: convincing the court that this was the rare case genuinely suited for summary judgment in California state court," Smith said.

Smith's recent matters span arbitration, ERISA and wage-and-hour litigation. After an arbitrator reinstated an employee Ford had discharged for harassment, Ford discharged him a second time for lying during the investigation. *UAW & Local 897 v. Ford Motor Co.*, 1:23-cv-00793 (W.D.N.Y., filed Aug. 7, 2023).

The union asked the court to read the original award as barring the second discharge. Smith moved to compel arbitration, and on Sept. 30, 2025, the court agreed the dispute belonged before an arbitrator.

"In the Ford UAW matter, the challenge was distilling a tangle of procedural issues into a clear showing that this was, at bottom, a dispute that belonged in arbitration," Smith said.

A putative ERISA class action challenged a Ford plan's effort to recover benefits the plaintiff had already recovered from a third party after a car accident. *O'Dell v. Plan Administrator, et al.*, 3:25-cv-579 (N.D. Ohio, filed March 24, 2025).

On March 13, 2026, the court dismissed four of five claims, holding the common-law theories ERISA-preempted.

Smith also drafted the motion to dismiss in an age discrimination and retaliation case, which the court dismissed with prejudice on Aug. 5, 2025. *McLaughlin v. International Brotherhood of Teamsters Local 249, et al.*, 2:24-cv-1197 (W.D. Pa., filed Aug. 22, 2024).

Smith said in her practice, a win frequently isn't a verdict, it's finding the most favorable off-ramp: an early dispositive motion, moving the case to arbitration, a favorable settlement, or, when it's the right call, taking the case to trial to show the employer did nothing wrong.

"Getting there means understanding what the client actually sees as its pain points, and what the client's internal stakeholders will regard as the most productive resolution. That's the measure that counts," Smith said.