

# Daily Journal

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## LABOR & EMPLOYMENT

### EDITORS' NOTE

Who's an employer?

That is one of the most significant questions to emerge in the past year.

Whether in the context of franchised operations, independent contractors or staffing agencies, businesses across the country are puzzling over how regulators and courts will draw the line amid tectonic shifts in the global economy.

For the lawyers on the *Daily Journal's* list of top practitioners in California, employment has been and will remain one of the busiest areas of the law. Their accomplishments continue to boost the state's influence over the rest of the country.

In reviewing hundreds of nominations from law firms, alternative dispute resolution providers and others, we sought to recognize work that is having a broad impact on the legal community, the nation and society. We honor the best of them.

## California's Top Labor & Employment Lawyers

# Jesse A. Cripps

### FIRM

Gibson, Dunn & Crutcher LLP

### CITY

Los Angeles

### SPECIALTY

Class action employment defense



In February, Cripps argued before the 9th U.S. Circuit Court of Appeals on a case he'd attempted to move from state court to federal court on three separate occasions.

"That, to me, was personally very rewarding," Cripps said.

And it made "all the difference in the world" in terms of case strategy to defeat class certification, he said.

In its published decision, the court held as a matter of first impression that, under the Class Action Fairness Act, an intervening change in case law may properly serve as the basis for removing a case to federal court, even where the original 30-day removal period has expired. Under the same act, the court also addressed the evidentiary standards that apply in demonstrating that the amount in controversy exceeds \$5 million, and held that the district court's remand order was erroneous. *Rea v. Michaels Stores Inc.*, 14-55008 (9th Cir. Feb. 18, 2014).

Also in February, Cripps dealt with what he described as "a real hot area for the past five

years or so": arbitration.

After more than seven years of litigation and two Court of Appeal decisions in the plaintiff's favor, Cripps and his Gibson Dunn team were hired to argue at the appellate level against a trial court's order that had denied Arakelian Enterprises Inc.'s bid to compel arbitration of the plaintiff's claims.

The state Supreme Court reversed the trial court's decision.

"The client had worked for many, many years to achieve its goal," Cripps said. "We were asked to come in and were able to get the result that they wanted after many years of fighting that battle."

Cripps was originally drawn to labor and employment because he knew he'd "be dealing with people and their daily experiences," but he also enjoys the complexity and challenges associated with class actions, as well as the rapid evolution of the practice more generally.

"In the past 10 years or so it's been an incredibly exciting time to be a labor and employment lawyer," he said.

— Alison Frost

**T**wo recent cases that stand out to Cripps as particularly gratifying both involved a long road to success.