

D.C. LITIGATION DEPARTMENTS OF THE YEAR

A SPECIAL REPORT

The NLJ takes the pulse of litigation departments in top law firms in our nation's capital. We asked them to tell us about their shops, including their biggest wins in 2016, their clients and their opponents. From a competitive field, we selected eight firms. They made the case for why they stood out in general litigation and in these practices: insurance, intellectual property, labor and employment, products liability and white collar. Two share top overall honors. For more on the winners, read on. —*Lisa Helem*

GIBSON, DUNN & CRUTCHER

LABOR & EMPLOYMENT WINNER

BEFORE JASON SCHWARTZ TAKES A case to trial, he often runs his arguments by a tough mock jury: his three kids—ages 6, 11 and 14—and his mother, a former saleswoman. If they find his arguments compelling, Schwartz feels confident that judges and jurors will be sympathetic, too.

“Everybody’s had a boss they didn’t like,” he explained. “Everybody’s had something that happened to them at work that they didn’t think was fair. You come in [to a trial] with someone with those thoughts in mind, whether it’s the judge or the jury or an [Equal Employment Opportunity Commission] investigator, and you have to tell them the story in a way that they say, ‘OK, I understand what happened and that seems fair to me.’”

Co-chair of Gibson, Dunn & Crutcher’s labor and employment practice, Schwartz and his colleagues scored several high-profile wins last year for their corporate clients. They included a labor dispute against the National Labor Relations Board on behalf of Cablevision Systems, an appeal for AlixPartners centering on an arbitration issue and a jury trial involving an HSBC employee’s allegations of retaliation.

The dispute, *CSC Holdings LLC and Cablevision Systems, New York City*, pitted Gibson Dunn’s defense team against the NLRB, which, for the Communications Workers of America, accused the cable company of nine unfair labor practices. They included retaliation and the unlawful termination of union activist Jerome



JASON SCHWARTZ

Thompson. After a 21-day hearing, an NLRB judge rejected all but two of the nine counts.

“Jason has exceptional trial skills, which are hard to come by,” said Alexander Shapiro, Cablevision’s former associate general counsel, senior vice president and lead of litigation. He described Schwartz as “very poised in court” and “an excellent cross-examiner who doesn’t get flustered.”

In *AlixPartners v. Brewington*, the firm prevailed in an appeal to the U.S. Court of Appeals for the Sixth Circuit on the question of whether Charles Brewington, a former employee, could arbitrate discrimination claims on behalf of a class despite the fact that the arbitration

clause in his contract didn’t address class actions.

The appellate court affirmed the district court, agreeing that silence on an issue should not be assumed to be consent.

In an eight-day jury trial last December in *Picarella v. HSBC Securities USA*, Gibson Dunn attorneys Chantale Fiebig and Gabrielle Levin persuaded the panel that an employee of HSBC Securities was fired for performance issues, not in retaliation for reporting a co-worker’s sexual harassment.

The jury, in the U.S. District Court for the Southern District of New York, deliberated for just three hours before returning its verdict.

—JUNE D. BELL

firm facts

Name: Gibson, Dunn & Crutcher
Founded: Los Angeles
Total number of attorneys: 1,239
Litigators as percentage of firm:
68 percent
Litigators as percentage in D.C.:
95 percent
Litigation partners firmwide: 198
Litigation associates firmwide: 641
D.C. litigation partners: 48
D.C. litigation associates: 143
D.C. litigation other attorneys: 6

keys to success

■ Simplify: Put aside all of the legal doctrine. My rule of thumb for these cases is, “Can I explain it to my mom in a way that she would think what the company did was fair and that the employees were out of line in some way?”

■ Learn corporate client operations: Teach me your business, but don’t just tell me or send me documents. Let me go visit somewhere and talk to people.

—Jason Schwartz