

Gabrielle Wirth

Of Counsel

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Employers turn to Gabrielle for guidance as to how they can comply with the technical employment laws in California, Montana and nationwide while meeting their business needs.

Gabrielle's successful trial experience in a broad range of employment disputes including wage and hour, whistleblower, wrongful termination, discrimination, harassment, retaliation, ADA accessibility, breach of contract, and trade secret/noncompetition cases and her work with the corporate team on acquisitions and startups equip her to nimbly assess and provide legally compliant options, whether in the counseling or litigation defense role. She also represents employers before a wide variety of state and federal agencies including the EEOC, OFCCP, state human rights agencies, the Labor Commission, the Employment Development Department and OSHA.

Gabrielle is often requested to speak on a broad range of employment issues for a wide variety of corporate counsel and human resource organizations. She is a longstanding member of the Orange County Women's Philanthropy Fund and an avid supporter of a variety of philanthropic causes in California and Montana. She is currently the head of the Montana Labor & Employment department and supports the Southern California office at Dorsey.

Select Experience

Recent Employment Trials

- Defended employer against claims for wrongful termination, fraud, whistleblower claims, race discrimination, retaliation and breach of implied contract. Prevailed in a two-week jury trial on all claims except fraud which was ruled a mistrial due to plaintiff's erroneous jury instruction.
- Defended employer in a pregnancy and sex discrimination claim and claim for breach of contract. Prevailed in a three-week jury trial on pregnancy and sex discrimination

Education

- University of California, Davis School of Law (J.D., 1982)
- University of California, Berkeley (A.B., 1978)

Bar Admissions

- California
- Montana

claim, plaintiff recovered six months' pay on contract claim.

- Court granted motion to strike class action allegations in this class action alleging violation of California's meal and break regulations.
- Court denied plaintiffs' motion for class certification in a manager/assistant manager misclassification class action. The individual claims settled on a favorable basis thereafter.

Court Admissions

- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court for the Northern, Central, Southern and Eastern Districts of California

Professional Affiliations

- Member, California Society for Healthcare Attorneys
- Member, John Muir Heritage Society, Yosemite Conservancy
- Member and Breakfast Committee, Orange County United Way Women's Philanthropy Fund
- Alexis de Tocqueville Society, Orange County United Way

Accolades

- *Best Lawyers in America*®, Employment Law - Management, Labor Law - Management, Litigation - Labor and Employment, 2007-2026
- *Southern California Super Lawyers*®, 2010-2013, 2016-2026
- Consistently providing pro bono legal assistance to those in need through Dorsey's Pro Bono program
- *Best Lawyers in America*® Employment Law Issue, 2021
- *Southern California Super Lawyers*® Women's Edition, 2021
- Orange County Women in Business, Nominee, 2009-2013

Select Presentations

- Speaker, Staying Ahead: Leaves of Absence and Disability Accommodations – Navigating Sticky Scenarios from Medical Marijuana to “Emotional Support” Animals and More, Costa Mesa, CA, May 22, 2019
- Speaker, Salary History and Pay Equity, Professionals in Human Resources Association, La Jolla, CA, January 30, 2019
- Speaker, Salary History and Pay Equity, Professionals in Human Resources Association, Burbank, CA, January 22, 2019
- Speaker, Salary History and Pay Equity, Professionals in Human Resources Association, Riverside, CA, January 16, 2019
- Speaker, Salary History and Pay Equity, Professionals in Human Resources Association, Anaheim, CA, January 10, 2019
- 2014 Midwest Intellectual Property Institute: Employee Postings on Social Media: An Employment Lawyer's Cautionary Tales for the IP Attorney. September 19, 2014
- Association for Corporate Growth: Employment Details Often Forgotten in Spin-Off Opportunities. August 7, 2014
- Minnesota Continuing Legal Education: Upper Midwest Employment Law Institute: New California Wage and Hour Challenges. May 20, 2014

Insights

July 2, 2024

Legislative Action Heralds Sweeping Changes to PAGA, Resulting in Tools for More Effective Administration and Potential to Curb Abuse, Benefiting Both Employers and Workers

September 28, 2022

California Governor Gavin Newsom Signs Update to State's Pay Transparency Law, Setting Out New Pay Disclosure Requirements

January 20, 2022

Ninth Circuit Asks Montana Supreme Court for Guidance: Is an Employer Defending Itself in a Wrongful Discharge Lawsuit Limited to the Reasons for Termination Given in a Discharge Letter?

November 15, 2021

How Large Employers Can Prepare for CCPA/CPRA Obligations for "HR Data" in 2022

September 13, 2021

Biden Administration Announces Broad Employer-Based Vaccination Requirements

July 21, 2021

New Texas Law Expands Liability for Sexual Harassment Claims

July 16, 2021

Missed Meal Period Penalty Must Include Adjustment for Nondiscretionary Payments

May 14, 2021

Vaccine Status is a Protected Trait in Montana

February 22, 2021

Companies Consider Transparent Face Masks as an ADA Accommodation During Pandemic

February 12, 2021

COVID Has Put Attorneys Litigation Hot Seat

January 22, 2021

Dorsey Partner Gabrielle Wirth Discusses COVID Employment Litigation

January 14, 2021

California Supreme Court Finds that Dynamex Decision Regarding the Standard for Worker Classification Applies Retroactively

January 6, 2021

California Qualified Employers May Receive Tax Credit Boost for New Hires

December 23, 2020

Mandating COVID-19 Vaccinations in the Workplace: Practical Considerations for Employers

September 18, 2020

Job-Protected Leave Under the California Family Rights Act Expands to Apply to Employers with Five or More Employees Effective January 1, 2021