

## Darren Gibson

Shareholder

Co-Chair, Higher Education Industry Group

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## Focus Areas

Unfair Competition and Trade Secrets

Higher Education

Litigation and Trials

Investigations

## Overview

Darren Gibson is a zealous advocate and trusted advisor to private businesses and public sector employers. Darren vigorously defends his clients in restrictive covenant and trade secret litigation, discrimination and retaliation claims, and class and collective actions, among others. Darren loves the courtroom, is not afraid to take cases to trial, and regularly handles temporary injunction hearings and appeals. In addition, he conducts workplace investigations across the country, with deep experience investigating allegations against senior executives and leaders.

Darren has a particular focus representing higher education, healthcare, and financial institutions, and he serves as co-chair of Littler's Higher Education Industry Group. Darren's higher education experience includes representing universities and related individuals in employment and Title IX litigation and conducting investigations into sexual harassment and sexual misconduct under Title IX.

Darren is board certified in labor and employment law by the Texas Board of Legal Specialization. Prior to his return to private practice, Darren worked at the Attorney General of Texas, where he defended state agencies and universities in employment litigation and class actions. Before coming to Texas, Darren was a senior associate in New York City, where his practice focused on securities litigation, internal investigations, and business disputes in the accounting and financial services industries.

## Selected Matters

- First chair federal jury trial victory on behalf of higher education institution defending against discrimination and retaliation claims related to termination of police officer
- Obtained arbitration award in favor of hospital and individual defendant in case brought by pharmacist under Texas healthcare whistleblower law
- Secured dismissal of individual defendant and award of sanctions against plaintiff's counsel in defamation suit pursuant to the Texas anti-SLAPP statute
- Successfully defended large online retailer in wage and hour collective action brought by delivery drivers of delivery contractor, including resolution of claims in contractor's Chapter 11 bankruptcy
- Obtained dismissal at the pleading stage of disability discrimination and section 1983 claims by dental student against dental school and dean, with the Fifth Circuit affirming on appeal

## Professional and Community Affiliations

- Member, Labor and Employment Section, Texas State Bar
- Member, Labor and Employment Law Section, Austin Bar Association
- Member, National Association of College and University Attorneys
- Board Member, Austin Symphony Orchestra
- Member, Leadership Austin, Essential Class of 2018

## Education

J.D., Harvard Law School, 2000, *cum laude*

B.S., University of Kentucky, 1997, *summa cum laude*

## Bar Admissions

Texas

New York

## Courts

U.S. Court of Appeals, 5th Circuit

U.S. Court of Appeals, 9th Circuit

U.S. District Court, Western District of Texas

U.S. District Court, Eastern District of Texas

U.S. District Court, Southern District of Texas

U.S. District Court, Northern District of Texas

U.S. District Court, Southern District of New York

U.S. District Court, Eastern District of New York

## **Publications & Press**

### **U.S. Department of Education Issues Long-Awaited Final Title IX Regulations**

*Littler Insight*

April 22, 2024

### **Upcoming Changes to NIH Harassment and Hostile Work Environment Reporting Requirements**

*Littler ASAP*

July 6, 2022

### **Littler Earns 13th Consecutive 100 Percent in 2021 Human Rights Campaign Foundation's Annual Scorecard on LGBTQ Workplace Equality**

*Littler Press Release*

January 28, 2021

### **Court Denies Preliminary Injunction of Title IX Effective Date**

*Littler ASAP*

August 12, 2020

### **Final Title IX Regulations Adopt Sweeping Changes for Handling Sexual Harassment Claims at Institutions of Higher Education**

*Littler Insight*

May 8, 2020

### **Littler Names New Leadership to Its Affinity Groups and Diversity & Inclusion Council**

*Littler Press Release*

February 14, 2019

### **Sixth Circuit Provides Expansive Due Process Rights in Title IX Cases**

*Littler Insight*

September 12, 2018

### **Littler Appoints Higher Education Industry Group Co-Chairs**

*Littler Press Release*

June 11, 2018

### **Supreme Court Limits Dodd-Frank Retaliation Protections to Employees who Blow the Whistle to the SEC**

*Littler ASAP*

February 23, 2018

**Littler Adds Shareholder Darren Gibson to Austin Office**

*Littler Press Release*

January 11, 2017

## **Speaking Engagements**

**A New Era of Employment Risk: Student Athletes as Employees and Adverse Actions Under Muldrow**

The University of Texas System Legal Conference

September 27, 2024

**The Expanded Scope of Actionable Adverse Employment Actions Under Title VII**

Austin Bar Association, Labor and Employment Law Section, Austin, TX

September 10, 2024

**Conducting Lawful Investigations in the New Workplace**

Littler Executive Employer Conference, Phoenix, AZ

May 8, 2024

**Littler Austin's 2023 Holiday Season Lunch and Learn**

Austin, TX

December 15, 2023

**Multistate Remote Work: Managing Risk in the New Reality**

University of Texas System 2023 Legal Conference Agenda, Austin, TX

September 21, 2023

**Conducting Lawful Investigations in the Evolving Workplace**

Littler Executive Employer Conference, Phoenix, AZ

May 10, 2023

**Workplace Investigations: The Dos, the Don'ts, and the What Have You Done?**

April 18, 2023

**Unintended Consequences: Managing Legal Risks Related to Faculty DE&I Programs**

NACUA Employment CLE Conference, San Diego, CA

March 24, 2023

**Littler Austin's 2022 Holiday Season Lunch and Learn**

Austin, TX

December 9, 2022

**Conducting Lawful Investigations in the Evolving Workplace**

Littler Executive Employer Conference

May 4, 2022

**Out of State Employment: The Wandering Employee**

The University of Texas System Risk Management Conference

April 11, 2022

**Best Practices for Compliance with Vaccine Mandates**

Greater Houston Industry Liaison Group, Houston, TX

January 13, 2022

**When Employees are Bad Actors: Risks and New Solutions**

The University of Texas System Legal Conference

November 6, 2021

**Resilience & Renewal in the Workplace: A Roadmap for Your Tomorrow**

The 2021 Executive Employer Conference

May 12, 2021

**Conducting Remote Investigations in the COVID-19 Era**

October 27, 2020

**The Revolving Door of Returning to Work in Texas**

Texas Virtual Employer

August 13, 2020

**Reopening Texas - Key COVID-19 Considerations and Strategies for Employers**

May 13, 2020

**Employment Law Hot Topics for a New Decade**

Austin, TX

February 6, 2020

**Employment Law Update**

NACUA National Conference, Denver, CO

June 25, 2019

**A New Era in Title IX Compliance: Process, Fairness and New Regulations Take Center Stage**

NACUA Employment Law CLE Conference, Seattle, WA

April 3, 2019

**Texas Anti-SLAPP in Employment Cases: Plaintiffs' Phantom Menace**

Texas Bar Association, Advanced Employment Law CLE, Dallas, TX  
January 17, 2019

**From Cross Examination to Safe Harbors: A New Day In Title IX Compliance Is At Your Doorstep**

Magna Online Seminar  
October 30, 2018

**Hospitality in the #MeToo Era: Shifting From Risk To Opportunity For A Better Work Environment**

Texas Hotel & Lodging Association Annual Board Meeting, Austin, TX  
June 4, 2018

**Step into the Littler Lab: Conducting Lawful Investigations in the Wake of #MeToo**

Littler Executive Employer, Phoenix, AZ  
May 4, 2018

**Texas anti-SLAPP in Employment Cases: Defendants' Superpower**

Austin Bar Association, Employment Law Section, Austin, TX  
March 18, 2018

**A New Era in Title IX Enforcement: Understanding the Latest Changes**

Magna Online Seminar  
February 15, 2018

**Texas anti-SLAPP in Employment Cases: Defendants' Superpower**

Texas Bar Association, Advanced Employment Law CLE, Dallas, TX  
January 18, 2018

**Employment Law Update: Recent Developments and What's Coming Next**

Austin, TX  
November 9, 2017

**Title IX Case Update**

University of Texas System Title IX Conference, Austin, TX  
November 2, 2017

**Conducting Efficient, Effective, and Lawful Workplace Investigations**

South Texas SHRM Conference, Victoria, TX  
November 1, 2017

**Underneath the Microscope: Sex Discrimination and Gender on Campus**

TASA/TASB State Convention, Dallas, TX

October 6, 2017

**You're Not Doing Anyone Any Favors: Bias, Credibility and Other Investigation Challenges and Pitfalls**

University of Texas System, Office of General Counsel Legal Conference, Austin, TX

September 29, 2017

**Conducting Efficient, Effective, and Lawful Workplace Investigations**

Hill Country HR Management Association, New Braunfels, TX

August 10, 2017

**Conducting Efficient, Effective, and Lawful Workplace Investigations**

The 2017 Executive Employer® Conference, Phoenix, AZ

May 12, 2017

**Creative Approaches to Handling ADA and FMLA Issues in the Workplace: Actions You May Not Know You Can Take**

Austin, TX

April 25, 2017

**You're Not Doing Anyone Any Favors: Bias, Credibility and Other Investigation Challenges and Pitfalls**

NACUA Employment Law CLE Conference, Seattle, WA

March 30, 2017

**LGBT Protections Under Title IX**

University of Texas, Office of General Counsel Legal Conference, Austin, TX

September 14, 2015