

## Rising Star: Akin Gump's Nathan Oleson

By **Allison Grande**

Law360, New York (March 24, 2011) -- Akin Gump Strauss Hauer & Feld LLP's Nathan Oleson has helped big-time clients such as Allstate Insurance Co. and Starbucks Corp. escape their workers' wage-and-hour claims, demonstrating an ability to strategize creatively that makes him one of Law360's five employment lawyers under 40 to watch.

Oleson, a 37-year-old partner in Akin Gump's labor and employment practice in Washington, has been working on high-stakes litigation involving claims under federal and state employment statutes for the past decade, building a reputation as a clever and effective litigator.

"He's terrifically smart, extremely practical and has a clear focus on what needs to be done to win a case," Akin Gump labor and employment practice head Bob Lian said. "He's gained the confidence of some of the firm's largest clients, and they routinely look to him for assistance."

After graduating from Georgetown University Law Center in 1999, Oleson joined Akin Gump's international trade section, but a year later he switched to working on employment matters.

"I was drawn to the idea that larger issues debated in society play out in this area," Oleson said. "These issues are interesting on a basic human level, and it's good to have issues in a case that interest you beyond litigation."

Less than a year after joining the labor and employment group, Oleson was put on the defense team of a nationwide class action in which a group of Allstate insurance agents alleged they were unfairly denied overtime compensation under the Fair Labor Standards Act.

The U.S. District Court for the Middle District of Florida granted summary judgment to Allstate as to the claims of the six test plaintiffs in 2002, a decision that was upheld by the U.S. Court of Appeals for the Eleventh Circuit in February 2004 and that on remand was extended by the district court to all of the approximately 2,350 opt-in plaintiffs in July 2004.

Lian, who worked with Oleson on the case, recalled Oleson's "no-nonsense" approach in effectively handling depositions and mapping strategies in the case as a junior associate.

"What has impressed me the most in terms of his handling of cases is his creativity and unflappability," Lian said. "No matter how stressful or complicated a situation gets, Nate is able to remain calm and keep his eye on the overall strategy."

Oleson learned part of his current approach during the course of the Allstate case.

"That case taught me that you can't get caught up in a particular approach or theory in a case, because you don't know what the other side is going to do or where things are going," Oleson said. "You have to be open-minded and be willing to come at issues from different angles to give your side an advantage."

Oleson has put this lesson to use in defending Starbucks against a series of cases challenging its employee classification and tip distribution systems in recent years.

His first case for Starbucks came in 2004, when he took on the defense of a putative class action in the Southern District of Florida alleging store managers were misclassified as exempt from overtime under the FLSA.

After obtaining summary judgment in favor of Starbucks in a similar suit in the Southern District of Texas, the company reached a confidential settlement with the plaintiffs in the Florida action.

A third class action, brought in the Southern District of Florida in January 2009 by a former Starbucks manager challenging his exempt status, is currently pending, but Oleson and his team have to date prevailed on decisions regarding the tolling of the statute of limitations, the obligation of class members to respond to individual discovery and the ability of the company to continue to litigate collective action status.

Oleson has also been involved in the widespread litigation over Starbucks' tip distribution policy, which was spurred by a California district court's \$100 million verdict in March 2008 finding the policy violated state employment law, a decision that was reversed on appeal in June 2009.

In December 2009, Oleson helped Starbucks obtain a summary judgment victory in a challenge to the policy of splitting the servers' tip pool with shift supervisors in the Southern District of New York, a decision that is currently on appeal to the Second Circuit.

Oleson's other achievements during his career include obtaining a complete victory for the NFL in a key arbitration involving disputes over benefits for retired players, taking over a long-running class action against The Great Atlantic and Pacific Tea Co. regarding the proper payment of overtime wages to hourly workers, and serving on the defense team in a still-pending age bias class action filed in 2001 that alleges Allstate favored younger workers when it switched thousands of employees to independent contractor status.

Oleson credits the trust he receives from his clients and colleagues as one of the biggest factors in his successes.

“Once young attorneys show they have the ability to do something, this firm has always been very good about giving them more responsibilities and letting them go out and do it, which has helped me grow professionally,” Oleson said.

One such opportunity emerged in 2002, when he was given the chance as a third-year associate to serve on the editorial board of the ABA’s Section of Labor and Employment Law’s treatise on the Fair Labor Standards Act.

Oleson encourages other young lawyers to embrace those types of opportunities on their path to achieving their own career objectives.

“The only way to develop trust is to take a task, even if you think it's beyond you, and jump in with both feet,” Oleson said. “Just like in any other area, if you do good work and get the job done, people will respect you no matter what age you are.”

--Editing by Greg Ryan.

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