

# Karl G. Nelson

Partner

[knelson@gibsondunn.com](mailto:knelson@gibsondunn.com)

T: +1 214.698.3203

Dallas

Karl Nelson is a partner in Gibson, Dunn & Crutcher's Dallas office and a member of the firm's Labor and Employment, Employee Benefits, Executive Compensation, and Class Action Litigation Practice Groups.

Mr. Nelson is recognized by *Chambers USA* for his work as a Labor and Employment attorney in Texas, and he has been consistently recognized as one of *The Best Lawyers in America*® for Labor & Employment Litigation (2012-2023), including being named the 2019 Lawyer of the Year by *Best Lawyers* for Dallas Litigation – Labor and Employment. Mr. Nelson is also ranked as among the *Lawdragon* 500 Leading Corporate Employment Lawyers. A fellow in the College of Labor and Employment Lawyers, Mr. Nelson counsels and represents clients in all aspects of federal and state employment regulation, labor relations, and compensation and benefits law. He has extensive experience defending complex labor and benefit matters, including class and collective actions under the Fair Labor Standards Act, Title VII of the Civil Rights Act, the Employee Retirement Income Security Act, the Worker Adjustment and Retraining Notification Act, the Age Discrimination in Employment Act, and comparable state laws. He has successfully defended clients against a wide variety of claims including compliance with state and federal wage and hour laws; worker misclassification challenges; allegations of systemic age, race, disability and gender discrimination; "whistle-blower" retaliation; and breach of fiduciary duties under the Employee Retirement Income Security Act. He also regularly advises and represents clients in connection with trade secret, competition, and employee-raiding issues.

Mr. Nelson has extensive experience representing clients before federal and state administrative agencies. He has successfully represented employers before the Department of Labor in complex wage and hour and pension benefits investigations and in Sarbanes-Oxley whistleblower retaliation cases, as well as before the EEOC in connection with charges of individual and class-wide discrimination. Mr. Nelson also frequently assists clients in conducting internal investigations of high-risk and high-profile matters such as those involving alleged misconduct by senior executives and corporate officers and allegations of whistle-blowing under the Sarbanes-Oxley Act and similar laws. Given the sensitive and high-profile nature of the matters he regularly handles, Mr. Nelson frequently works closely with in-house and outside resources to coordinate legal, investor relations, and media strategies and messaging.

Representative areas in which Mr. Nelson practices include:

- **Discrimination Class Actions** – Mr. Nelson has successfully represented employers in industries including retail sales, manufacturing, defense, and transportation in class actions alleging discrimination in pay, promotion opportunities, and job assignments on the basis of race, sex, age, and disability. Recently, he participated as a core member of the team that redefined the legal standard for class certification in the U.S. Supreme Court's watershed



## Capabilities

Labor and Employment  
Administrative Law and Regulatory Practice  
Appellate and Constitutional Law  
Class Actions  
Crisis Management  
Environmental, Social, and Governance (ESG)  
Executive Compensation and Employee Benefits  
Litigation  
Privacy, Cybersecurity, and Data Innovation  
Tech and Innovation  
Trade Secrets  
Trials

## Credentials

### Education

Duke University - 1991 Juris Doctor  
University of Wisconsin - 1987 B.A.  
Business Administration

### Admissions

Texas Bar

decision in *Dukes, et al. v. Wal-Mart Stores, Inc.*

- **Class and Collective Wage and Hour Litigation** – Mr. Nelson has successfully defended clients in class and collective actions alleging violation of federal and state wage and hour laws, including claims for uncompensated work time, improper pay at termination, and unlawful pay and vacation practices. He has also successfully litigated challenges based on alleged misclassification of workers, application of various overtime exemptions, and “joint employer” status arising from use of contract labor.
- **Employee Benefits Litigation** – Mr. Nelson has successfully represented clients in a variety of industries, including retail, transportation, manufacturing, and defense in connection with both individual and class action claims alleging violation of fiduciary standards and other requirements of the Employee Retirement Income Security Act. He was among the first to argue successfully for dismissal at the pleading stage of fiduciary breach and self-dealing claims in connection with ERISA “stock-drop” litigation. *g., Lalonde v. Textron, Inc.*, 270 F. Supp.2d 272 (D.R.I. June 24, 2003), *aff’d in part*, 369 F.3d 1 (1st Cir. 2004). Most recently, he has represented several Fortune 500 clients in response to 401(k) plan “excessive fee” claims.
- **Administrative Proceedings and Investigations** – Mr. Nelson has represented leading corporations in industries including financial products, retail, and consumer products when responding to high profile investigations by the Department of Labor, the National Labor Relations Board, and the Equal Employment Opportunity Commission. Engagements have included coordinating a leading retailer’s response to the Occupational Safety and Health Administration and local law enforcement in connection with the crowd-trampling death of an employee, leading the response to an investigation by the DOL’s Employee Benefit and Security Administration into pension losses resulting from the financial collapse of a major U.S. conglomerate, and counseling one of the nation’s largest private employers in connection with an EEOC investigation calling into question the structure of its hourly pay plan.
- **Sensitive Internal Investigations** – Mr. Nelson has represented clients across a wide variety of industries, including aviation, retail, building products, manufacturing, and hospitality, in sensitive internal investigations of possible misconduct such as employee theft of confidential information, whistle-blowing, sexual harassment, bribery, and corruption. In addition, he has led teams responding to sensitive investigations in a variety of non-employment contexts, including in response to investigations by the National Collegiate Athletic Association and to a high-profile outbreak of salmonella affecting the guests and staff of a major hotel.
- **Trade Secrets and Competition** – Mr. Nelson frequently counsels and represents employers in connection with the protection of proprietary, confidential, and trade secret information and enforcement of restrictive covenants limiting post-employment competition, solicitation, and employee raiding. He has successfully litigated such matters to final judgments for clients in a variety of industries, including building products, manufacturing, restaurants and hospitality, healthcare, and financial management.
- **Statistical Workforce Analysis** – Mr. Nelson has extensive experience assisting clients with the statistical analyses that are frequently at the heart of complex employment issues, including class discrimination claims, affirmative action policy and testing, and anticipating potential adverse impact patterns that may result from critical employment decisions. He regularly assists clients in evaluation of their pay and employee selection practices in furtherance of DEI initiatives and in order to respond to shareholder initiatives to increase reporting of such data.

Mr. Nelson regularly writes and speaks on employment, benefits, litigation, and data security topics. He has served as an adjunct instructor in Human Resource Law and co-authored a software package for human resource professionals. He is an active member of the American Bar Association’s Section of Labor and Employment Law and the

## Karl G. Nelson

Partner

[knelson@gibsondunn.com](mailto:knelson@gibsondunn.com)

T: +1 214.698.3203

Dallas

American Employment Law Council. Mr. Nelson is a member of the State Bar of Texas and is admitted to practice before the Supreme Court of the United States and numerous federal appellate and district courts.

Mr. Nelson received his law degree from Duke University School of Law in 1991, graduating with high honors, and his B.B.A. in economics and business administration from the University of Wisconsin - Eau Claire, graduating *summa cum laude* from the University Honors Program.

**Karl G. Nelson**  
Partner

[knelson@gibsondunn.com](mailto:knelson@gibsondunn.com)

T: +1 214.698.3203

Dallas