

Ashley E. Johnson

Partner

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Dallas

Ashley E. Johnson is a partner in the Dallas office of Gibson, Dunn & Crutcher. She practices in the firm's Labor and Employment, Appellate and Constitutional Law, Litigation, and Antitrust and Competition practice groups.

Ashley has a wide-ranging commercial dispute practice in trial and appellate courts across Texas and around the country. She focuses her practice at both the trial and appellate level on the legal strategy, briefing, and argument of complex legal issues across an array of subjects, particularly including ERISA disputes (primarily class actions), cutting-edge antitrust questions, class certification motions, and constitutional issues. She works with her clients on crafting the most persuasive written presentation on their most critically important and complicated briefs and on communicating those arguments to courts in oral hearings. A former Supreme Court clerk, Ashley has argued in the United States Courts of Appeals for the Second, Fifth, Seventh, and Ninth Circuits, as well as multiple Texas appellate courts. In addition, she has briefed a diverse set of cases in the United States Supreme Court, including high-profile victories in *Murphy v. National Collegiate Athletic Association* (U.S. 2018), *Bank Markazi v. Peterson* (U.S. 2016), and *Black v. United States* (U.S. 2011).

Ashley is recognized in *TheBest Lawyers in America* guide for Appellate Practice (2024 – 2025). She was also named in Employment, Commercial Litigation, and Appellate in *Lawdragon's 2025 500 Leading Litigators in America* guide, which highlights "the best litigators the U.S. has to offer."

Representative Experience

Appellate

- *Brackeen v. Haaland* (U.S. 2022) – Representing Brackeen family in currently pending Supreme Court litigation addressing constitutionality of the Indian Child Welfare Act.
- ERISA appeals (2022) – Lead counsel in multiple ERISA class action appeals in United States Courts of Appeals for Second and Ninth Circuits. Currently ongoing.
- *City of Dallas v. Oxley Leasing North Loop, LLC* (Tex. App.—Dallas 2021) – Lead counsel on appeal in successful defense of trial court's denial of City's plea to the jurisdiction.
- *In the Interest of Y.J., a Child* (Tex. App.—Fort Worth 2019) – Lead counsel on appeal; obtained court of appeals reversal of court's order naming joint managing conservators in Indian Child Welfare Act dispute.
- *Sureshot Golf Ventures, Inc. v. Topgolf International, Inc.* (5th Cir. 2018) – Lead counsel on appeal; obtained unanimous decision affirming district court's opinion dismissing antitrust suit.
- *Murphy v. National Collegiate Athletic Ass'n* (U.S. 2018) – Successfully represented New Jersey state officials before the United States Supreme Court



Capabilities

Litigation
Antitrust and Competition
Appellate and Constitutional Law
Labor and Employment
Trials

Credentials

Education

Vanderbilt University - 2004 Juris Doctor
Vanderbilt University - 2001 Bachelor of Arts

Admissions

North Carolina Bar
Texas Bar

Clerkships

US Supreme Court, Hon. Clarence Thomas, 2005 - 2006
US Court of Appeals, 4th Circuit, Hon. J. Michael Luttig, 2004 - 2005

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with respect to the applicability, construction, and constitutionality of the Professional and Amateur Sports Protection Act ("PASPA"), overturning an adverse Third Circuit *en banc*

- *Sause v. Bauer* (U.S. 2018) – Briefed before the Supreme Court constitutional claims dismissed by the lower courts. Obtained *per curiam* decision reversing the decision of the Tenth Circuit.
- *United States v. Ogoke* (7th Cir. 2017) – Lead counsel in support of the district court criminal contempt decision. Obtained unanimous decision affirming the district court.
- *United States v. Poff* (9th Cir. 2017) – Lead counsel seeking to overturn district court decision regarding seizure of disabled veteran benefits. After successfully obtaining a vacatur and remand from the Supreme Court, reached favorable settlement.
- *Bank Markazi v. Peterson* (U.S. 2016) – Represented victims of the 1983 Beirut Marine Corps Barracks Bombing who hold judgments against the government of Iran. Persuaded the Supreme Court to reject arguments from Iran's central bank that Congress impermissibly invaded the province of the Judicial Branch by authorizing victims of terrorism to seize certain assets.
- *Opulent Life Church v. City of Holly Springs* (5th Cir. 2012) – Argued before the Fifth Circuit and secured unanimous published decision in statutory and constitutional challenge to religious discrimination.
- *In re Chevron Corp.* (3d Cir. 2011); *Ecuadorian Plaintiffs v. Chevron Corp. v. 3TM Int'l, Inc.* (5th Cir. 2010) – Secured unanimous, favorable decisions permitting discovery under 28 U.S.C. § 1782.
- *Black v. United States* (U.S. 2010) – Represented Conrad M. Black in securing review in the United States Supreme Court and reversal of multiple convictions for mail and wire fraud through a deprivation of "honest services."

Trial Courts/Arbitration

- Lead counsel in ERISA class action for major telecommunications company (ongoing)
- Representation of Merck & Co, Inc., in major ongoing antitrust class action alleging an unlawful "reverse payment" (ongoing)
- Co-lead counsel for a global telecommunications company in a Fair Labor Standards Act case during one of the first civil in-person jury trials in federal court during the COVID pandemic. Obtained a full and nearly immediate defense verdict. (2020)
- Member of the trial team successfully defending telecommunications company against breach of contract claims at a seven-day arbitration. (2018)
- Member of the trial team defending construction and engineering firms against claims arising out of the construction of the largest oil refinery in America. Following a month-long arbitration in Houston, the claimants were awarded nothing. (2016)
- Lead counsel for pharmaceutical company defending against fraud and contract claims in United States District Court for the Southern District of Texas. Resolved by settlement. (2016)
- Lead counsel for energy company prosecuting quiet title action in United States District Court for the Northern District of West Virginia. Resolved by settlement. (2016)
- Member of the trial team defending Delta Air Lines in its action seeking to enjoin the City of Dallas and Southwest Airlines from evicting it from flying out of Love Field in Dallas. After a three-day hearing in the United States District Court for the Northern District of Texas, obtained a preliminary injunction prohibiting Delta's eviction. (2015)

Prior to joining Gibson Dunn, Ashley served as a law clerk to Justice Clarence Thomas of the Supreme Court of the United States, and to Judge J. Michael Luttig, formerly of the United States Court of Appeals for the Fourth Circuit. Ashley earned her law degree in 2004 from Vanderbilt University Law School, where she was a John W. Wade Scholar and Editor-in-Chief of the *Vanderbilt Law Review*. Ashley was awarded the Archie B. Martin

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Memorial Prize and the Robert F. Jackson Memorial Prize for placing first in her class in her first and second years of study. She was also elected to Order of the Coif. Ashley graduated from Vanderbilt University with a Bachelor of Science Degree in Mathematics and History while earning membership in Phi Beta Kappa.

Ashley is also actively involved in alumni activities at Vanderbilt University Law School, where she is a member of the *Vanderbilt Law Review* Alumni Board of Advisors. She has spoken through the Branstetter Litigation and Dispute Resolution Program at Vanderbilt regarding the practice of appellate law and brought Supreme Court Justice Clarence Thomas to Vanderbilt to deliver the 2014 Cecil Sims Lecture.

Ashley is admitted to practice in Texas and North Carolina. She is also admitted to practice before the Supreme Court of the United States, the United States Courts of Appeals for the Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, and Ninth Circuits, and the United States District Courts for the Southern and Northern Districts of Texas.