

# Chicago Litigation Departments of the Year: Labor and Employment

## Seyfarth Shaw

By Tony Mauro  
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It is no exaggeration to say that Seyfarth Shaw's 100-lawyer team of employment litigators in Chicago is "truly the soul of our firm," chairman J. Stephen Poor said. Chicago is "where we started" 69 years ago, Poor said, and it is "a town of the most incredibly talented competitive litigators in the country."

During the past year, the firm has shown that it thrives in that intense market, and for that reason Seyfarth Shaw is one of the 2014 Chicago Litigation Departments of the Year for labor and employment.

*EEOC v. Kaplan Higher Education Corp.* may be the prime example of its recent successes and is a landmark win for the education company. The EEOC made the untested claim that Kaplan's practice of running credit checks on potential employees discriminated against minority applicants.

To rebut the claim, Seyfarth partner Gerald Maatman Jr. deployed a strategy never used before. He launched discovery to find out if the EEOC itself uses credit checks in its own hiring — and it does. He won summary judgment at the federal trial court level in 2013, and in April 2014 the U.S. Court of Appeals for the Sixth Circuit affirmed in a brief and disapproving decision. "In this case the EEOC sued the defendants for using the same type of background check that the EEOC itself uses," the court said.

Following the ruling, commission general counsel David Lopez told *Corporate Counsel* magazine, an NLJ affiliate, that the commission was "disappointed" by the Kaplan ruling but would "not abandon its efforts to challenge such practices for their impact on protected groups in appropriate cases."

Poor said, "We were incredibly proud of that one. It was a wildly inventive approach."

Maatman was also instrumental in getting another EEOC lawsuit dismissed, in the sex discrimination case *EEOC v. Sterling Jewelers*. Seyfarth Shaw again turned the spotlight on the EEOC itself, convincing the judge that the commission's prelitigation investigation was inadequate. It was one of the largest cases on the EEOC's docket in terms of the number of employees involved.

Poor said the firm is intent on being client-oriented and outpacing its competitors in using technology and data analytics. "We want to help our clients get ahead of the issues in front of them," he said.

The firm's aggressive approach to employment litigation, Poor said, has helped Seyfarth weather economic downturns. "We live in a symbiotic relationship with our clients. We have to navigate the waters with them."

## **KEYS TO SUCCESS**

- ▶ Continue an intense focus on our clients and their business objectives.
- ▶ Deeply understand the intricacies of new challenges facing our clients.
- ▶ Take the lead in shaping the development of laws and regulations that impact our clients.
- ▶ In litigation, develop and execute a strategy around key decision points.
- ▶ Be consistently creative and innovative — and clearly communicate that vision.
- ▶ Combine a passion for servicing clients with metrics to refine performance. — *J. Stephen Poor*