

Rising Star: Seyfarth's Steven Pearlman

By **Ryan Davis**

Law360, New York (March 21, 2012, 6:45 PM ET) -- Seyfarth Shaw LLP partner Steven Pearlman, who specializes in Sarbanes-Oxley Act whistleblower cases, helped to create a national team at the firm dedicated to that issue, earning him a spot on Law360's list of five employment lawyers under 40 to watch.

Pearlman, 39, is co-chair of the firm's Sarbanes-Oxley Whistleblower Team, for which he said he got the idea several years ago when he realized that the intersection of employment and securities law presented an opportunity for the firm to distinguish itself by marshaling its resources.

He worked with colleagues who have expertise in securities and compliance law to create a group that could handle complicated cases on the cutting edge of emerging Sarbanes-Oxley whistleblower law.

"Seyfarth really invested in the vision I had," he said. "It was nice to see the vision become a reality."

The group now has 50 members and has handled numerous high-stakes cases. Pearlman himself has successfully represented clients including Berkshire Hathaway Inc. unit Forest River Inc. in whistleblower cases.

"I'm very proud of the group I helped create," he said. "We're handling some of the biggest Sarbanes-Oxley whistleblower cases in the country and we've set precedent on a number of levels."

In the Forest River case, a former financial executive at a recreational vehicle maker claimed he had been terminated after discovering that Forest River's CEO was siphoning money from the company.

In February, Judge James T. Moody of the Northern District of Indiana granted summary judgment to Forest River and Berkshire Hathaway, ruling the court lacked subject matter jurisdiction because the plaintiff failed to file a complaint with the U.S. Occupational Safety and Health Administration within 90 days of his firing, as required by law.

"I'm very proud of our work on that case," Pearlman said. "When the case came in, I was resigned to knocking the leather off the ball on it."

By virtue of his whistleblower expertise, Pearlman has been invited by the U.S. Department of Labor's Administrative Review Board to serve as a stakeholder in rule-making procedures and has represented the U.S. Chamber of Commerce in an amicus capacity in Sarbanes-Oxley whistleblower litigation.

In addition to whistleblower cases, Pearlman, who works in Seyfarth's Chicago office and made partner in early 2009, also handles numerous major overtime, retaliation and discrimination cases.

He recently won summary judgment for Resurrection Home Health Services in a declaratory judgment case against the Illinois Department of Labor that sought a determination that the company's compensation structure was lawful.

In a case of first impression for Illinois, the Cook County Chancery Court ruled that Resurrection's compensation structure met the salary basis test for overtime exempt status under state law. The decision will impact how business is done in the home health care sector in Illinois and the Midwest, Pearlman said.

"It was a very nuanced, hyper-technical debate and we were able convince the court that our position was legally sound," he said. "It's the kind of case I really enjoy, where you're creating law, rather than just applying precedent."

Joel Kaplan, a partner in Seyfarth's labor and employment practice since 1975, called Pearlman "a remarkable lawyer."

"Put to one side that he's very smart, it's his grit and determination that truly sets him aside," he said. "You give Steve a case or a matter and you know to a certainty that no one on earth is going to do a better job, will have thought through the issues more or will put in the time and energy to make sure of a positive outcome."

Pearlman said that it can be challenging for younger partners to prove themselves to clients early on, so it's important to be "more prepared than anyone else in the room and far surpass their expectations to gain their trust."

His advice for younger attorneys seeking to make partner is to develop a deep understanding of what is most important to clients in terms of business needs and bend over backward to meet those goals.

"Some young litigators have a Rambo mentality," he said. "While winning is absolutely critical, it's important to keep in sight the client's business objectives."

Allstate Corp. assistant general counsel Florie Perellis says that Pearlman is always able to see the big picture while attending to every little detail.

"Steve understands his clients' needs when hiring outside counsel and provides innovative and unusually creative solutions to pressing legal issues," Perellis said. "He focuses not just on winning cases, but on preventative measures aimed at protecting our bottom line and reputation."

--Editing by Eydie Cubarrubia.