

Employment Group Of The Year: Seyfarth Shaw

By **Scott Flaherty**

Law360, New York (January 23, 2013, 6:51 PM ET) -- With an innovative approach that helped it secure a first-of-a-kind dismissal of discrimination claims against Family Dollar Stores Inc. and decertify class in a wage-and-hour suit against Allstate Insurance Co., Seyfarth Shaw LLP had a year worthy of a spot among Law360's Employment Practice Groups of the Year.

Seyfarth, which has a long history of success in labor and employment matters, has managed to carry its track record forward over the past year, in part by keeping a watchful eye on what's happening in the employment arena, and applying the firm's cache of accumulated knowledge and experience in novel ways, according to firm leaders.

Lisa Damon, chair of Seyfarth's labor and employment practice, said the group's success stems largely from two related factors: the quality of the attorneys and an emphasis on taking innovative approaches to particular matters.

"If you look across the cases, that really stands out," she said. "It's people uniting around these core values of innovation, excellence and value."

That focus on innovation was on display in two of the firm's representations over the past year. Seyfarth secured favorable rulings for Allstate, which faced a putative wage-and-hour class action in California state court, and Family Dollar, which faced a putative class suit in North Carolina federal court, alleging the company paid its female employees less than their male counterparts.

In both cases, Seyfarth's legal team relied on the U.S. Supreme Court's June 2011 decision in Wal-Mart Stores Inc. v. Dukes, successfully applying the precedent in different ways.

In the Allstate case, which involved allegations that the insurer forced its automobile field adjusters to work off-the-clock, Seyfarth used Dukes to unravel two previously certified classes, marking one of the first applications of the Supreme Court precedent in a wage-and-hour action, according to the firm. In July, a judge ruled that, in light of the Dukes decision, Allstate was entitled to individually litigate the employees' claims.

On behalf of Family Dollar, a representation led by Seyfarth partner Gerald Maatman Jr., the firm applied Dukes even earlier, using it to successfully argue for dismissal of the discrimination claims against the discount retailer. The presiding federal judge dismissed the putative class action claims in January 2012.

"It was a first-of-a-kind situation," Maatman said, referring to the Family Dollar case. "It applied Dukes and extended Dukes in a way that no court had ever done."

The firm has also had recent success in a number of cases brought by the U.S. Equal Employment Opportunity Commission against Seyfarth's clients.

In an EEOC case against DHL Express (USA) Inc., which accused the delivery company of discriminating against its African-American employees, Seyfarth convinced a judge that DHL should be able to take depositions of all claimants in the case, a step the firm had argued was critical to mounting a defense. An federal magistrate judge in Illinois approved DHL's motion to compel the depositions in October.

Camille Olson, who headed up Seyfarth's efforts in the DHL case and chairs the firm's complex discrimination litigation department, said the additional depositions are expected to turn up evidence that pokes holes in the EEOC's case.

Olson added that the success in the discovery phase of the DHL case reflects a broader focus the firm has on taking the steps necessary to win cases, as opposed to simply defending its clients.

"We are viewed as trial lawyers, as opposed to litigators," Olson said. "No one finds the path to victory sooner — and executes on it — than we do."

Damon, the practice head, said Seyfarth started as a labor and employment firm and still places a "significant focus" on its employment group, a trend she expects to continue.

"The future of the practice is unbelievably bright," Damon said. "We continue to grow every day."

The employment group consists of approximately 385 attorneys across Seyfarth's 10 offices in the U.S., as well as its London office, with a concentration of employment lawyers in California, the firm said.

Given the breadth and depth of the group, Seyfarth's employment practice includes a number of specialty focuses, ranging from wage-and-hour cases to class and collective actions to counseling, said Damon.

Maatman, who serves as co-chair of Seyfarth's class action defense group, added that the group's size, along with the wealth of experience and know-how of its attorneys, make it stand out when it comes to handling lawsuits in which the stakes are high.

"The size of the group allows us to have a group of lawyers that specialize in high-stakes litigation," he said. "This is the bread and butter of what we're doing."

--Editing by Katherine Rautenberg.