

# Daily Journal

JULY 17, 2013

## Top 75 Labor & Employment Attorneys

California will see important developments in employment law soon, as the state Supreme Court considers three cases that will impact class action waivers and arbitration agreements. Our state's labor and employment lawyers have always led the nation in the development of the issues of the day and the creation of law, and they're some of the most experienced practitioners in the country. To pick the Daily Journal's annual list of top 75 employment litigators, public labor negotiators and corporate and regulatory specialists in California, we reviewed hundreds of nominations from law firms, alternative dispute resolution providers and nonprofits. We sought to recognize work that is having a broad impact on the legal community, the nation and society.

— The Editors

### LABOR & EMPLOYMENT



#### Louise Ann Fernandez

Jeffer Mangels Butler & Mitchell LLP

Los Angeles

**Specialty:** labor and employment defense litigation

the whole gamut of employment disputes, both edgy and traditional, and the labor area has been active, she said.

"Labor law is countercyclical," she added. "If the economy is down, we are going to be busier. You have more people getting laid off and more terminations. We always see a jump in that regard."

Among Fernandez's significant matters, an appellate court last year upheld summary judgment granted by the Los Angeles County Superior Court in a sexual harassment case against her client Northrop Corp.

The court found that boorish behavior and impolite comments were not sufficient to meet the plaintiff's burden. *Houle v. Steinke et al*, BC420137 (L.A. Super. Ct., filed Aug. 20, 2009).

"The supervisor in this case made certain comments that were not overly sexual in nature, but certainly borderline," Fernandez said. "I stated in my brief that this was deserving of a timeout, but not deserving of a lawsuit."

She added, "If we let everyone litigate minor slights, the courts will be even busier than they are now. You are clogging up the courts with those cases that don't deserve to be there."

In a follow-on retaliation case, Northrop

prevailed after a five-day arbitration, and recently was awarded \$325,000 in attorney fees and \$76,000 in costs. *Houle v. Northrop Grumman Corp.*, JAMS Arbitration, 1220044597, filed June 7, 2012.

"This was a tremendous victory for Northrop and was very unusual since it required that Northrop meet an extremely high standard and show that the plaintiff's claims were frivolous, meritless, vexatious or unreasonable," Fernandez said.

In another matter, a lawsuit was brought against a former employee and counsel for breach of the confidentiality provision of a settlement agreement with her client Conduvis Technologies, formerly Diskeeper Corp. *Diskeeper Corp. v. Godelman et al.*, JAMS Arbitration, 1220042309, filed Jan. 18, 2011.

"This was a clear breach of a confidentiality provision," Fernandez said. "The attorney took the documents and tried to use them in connection with another case."

An arbitrator agreed and the company was awarded liquidated damages and attorney fees totaling nearly \$500,000.

The arbitration award was confirmed by the Superior Court, Fernandez said, and is currently on appeal.

— Pat Broderick

**F**ernandez said that she especially relishes taking on the less conventional labor and employment disputes.

"I love the complex and quirky cases," she said. "My favorite part is the investigation and discovery, because that is where the rubber meets the road. Getting to the bottom of what happened and then viewing it within the applicable law. It's so critically important for the person trying the case, or appearing in court, to have done the work and to have learned the facts and the law intimately."

Fernandez has the opportunity to work on