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California's Top Labor & Employment Lawyers for 2016

EDITOR'S NOTE

PAGA remained omnipresent in employment law this year. A record number of new lawsuits invoked the Private Attorney General Act of 2004 as employees pushed for civil penalties and to escape employers' binding arbitration clauses.

In this special issue, we honor some of the California lawyers involved in these and other cutting-edge employment and labor cases. They are brilliant, strategic and, most of all, agile, as they navigate a fast-moving and ever-changing legal landscape. Compiling this list, we often marveled at the performances of these lawyers. As you read through this issue, we think you'll be impressed, too.

Maria Z. Stearns

FIRM:
Rutan & Tucker LLP

CITY
Costa Mesa

SPECIALTY
**Employer defense
litigation, labor law**

The unusual challenge Stearns faced in an unpaid wages class action was that her client, a temporary staffing company, had no contact information on the plaintiffs: former workers at a popular entertainment event. "My client had paid a now-defunct third party, that had apparently withheld money from potential class members," she said. "We were dragged in as a joint employer. We had to get creative to locate people." Fortunately, one of the workers phoned the staffing company to ask about pay. The company called Stearns and asked what to do. Stearns told the client to give the worker her number.

"We talked. I said, 'Look, my client paid for your services. It's unfortunate that you did not get paid. What do you think you're owed?'" She explained to the worker that her client disputed the claim, but because it was going to cost a lot to fight the class action, the client would offer to simply send a check. "'Let's cut to the chase,' I told him. I disclosed the pending suit. 'You can participate in the lawsuit, or you can get a check

now,' I said." The client agreed to accept payment and forget the suit. "Then I said, 'If there are others you are aware of...' The news spread like wildfire. My phone started ringing, the calls came rolling in. It's a world where people are networked and connected via social media." Soon, Stearns had settled individually with more than half the potential class.

"That was phase one. Phase two was where I went to opposing counsel and showed him all my settlement agreements. 'This is what I have so far,' I told him. 'You can see that your, quote, class is shrinking.' He was extremely resistant to letting go. It was such a no-brainer. I told him, 'You need to move on.' My challenge was to convince him to walk away."

The opposing counsel couldn't find more than about seven potential class members himself, Stearns said. "But he wanted a \$40,000 fee to settle. I viewed that as outrageous. I told him he couldn't settle on a class basis if you can't find the people. But he kept pushing."



That led to the third phase. "I brought in the judge. I said 'Your honor, will you approve a class settlement with no contact with the class?' She said, 'Never.' She told the opposing counsel, 'I'm sorry you put so much time in, but you got a bad case.'"

That ended matters. "We saved the client hundreds of thousands of dollars," Stearns said.

— John Roemer