

Rising Star: Rutan & Tucker's Maria Z. Stearns

By Kevin Penton

Law360, New York (April 8, 2016, 3:56 PM ET) -- Rutan & Tucker LLP partner Maria Z. Stearns convinced a judge and a class of workers to accept vouchers instead of cash to settle a wage and hour class action, a rare form of payment for the type of case that earned her a spot among Law360's top seven employment attorneys under 40.

Stearns, 39, was promoted to equity partner at California-based Rutan & Tucker's employment law department only two years after joining the firm as an associate in 2011. The attorney on the Rising Stars list says she is not afraid to think unconventionally in her quest to find practical solutions to the employment problems her management clients may be facing.

In the wage and hour putative class action in which an EL Pollo Loco franchisee faced a \$1.7 million exposure, Stearns says she convinced the other side in 2013 to settle for \$500,000 in vouchers, essentially swapping cash for poultry.

As her client faced the real prospect of bankruptcy over the matter, Stearns says she swayed opposing counsel and the class of approximately 3,400 workers that the case needed to be settled in a non-traditional way, providing real value to the employees with a product they truly enjoyed. The last time she looked, more than half of the vouchers, which averaged nearly \$150, had been used, she said.

"This is the only wage and hour class action that I know of where the class was paid entirely in vouchers," said Stearns, who acknowledges she was not able to convince opposing counsel to get its \$176,000 in fees and costs paid in chickens.

Stearns focuses her practice on defending companies in wage and hour class actions and in individual harassment complaints, she said, along with counseling clients on what they can do to proactively avoid such matters in the future.

In the midst of litigation, Stearns says she tries to be as practical as possible in her efforts to find solutions to her clients' problems, preferring to sit down and talk with the other side as opposed to "scorched earth" efforts.

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Maria Z. Stearns
Rutan & Tucker

“I actually try to take a cooperative approach as much as possible,” Stearns said.

She has also strategically shared information with the other side, without court orders, as part of successful efforts to settle matters without the expense of a trial or even a mediator, she said.

Stearns serves as part of Rutan & Tucker’s management team, including as hiring partner and employment counsel, according to the firm. She keeps her door open to junior associates, serving as a mentor to tomorrow’s partners just like various individuals served as examples for her when she started out as a young attorney, she said.

Stearns received her undergraduate degree from the University of Kansas and her law degree from Harvard Law School. She is admitted to practice in the Central District of California, the District of Colorado, and the states of California, Kansas and Missouri.

Stearns is co-founder and president of the Harvard Law School Women’s Alliance, program chair for the Association of Business Trial Lawyers and a board member of the Orange County Bar Foundation, a non-profit organization that serves at risk youth, according to the firm.

California-based Rutan & Tucker has approximately 150 attorneys who work out of its offices in Orange County and in Palo Alto, according to the firm’s website.

--Editing by Emily Kokoll.

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