

TOP LABOR & EMPLOYMENT LAWYERS 2019

Catherine A. Conway

FIRM:

**Gibson, Dunn & Crutcher
LLP**

CITY:

Los Angeles

Conway is lead counsel defending Morrison & Foerster LLP in a \$100 million potential class action alleging gender and pregnancy discrimination.

The case was filed by three female attorneys at the firm who said after their maternity leave they were placed on “mommy track” status from which their careers suffered. *Doe v. Morrison & Foerster*, 18-CV02542 (N.D. Cal., filed April 30, 2018).

Conway pointed out the case was among many gender bias claims filed by Sanford Heisler Sharp LLP.

“They are notorious for going after law firms and schools,” she said. “But Morrison & Foerster is the wrong target. They have great policies and a great culture. The allegations simply don’t ring true, and they aren’t true. The complaint is boilerplate causes of action with some alleged facts.”

The litigation is at the discovery stage, she said.

Conway is also lead counsel for video game developer Riot Games Inc., maker of League of Legends, which is accused by female employees in a potential class action of a culture of sexism that includes discrimination and retaliation in violation of California’s Equal Pay Act and the Fair Employment and Housing Act and a failure to prevent discrimination and harassment. *McCracken v. Riot Games Inc.*, 18STCV03957 (L.A. Super. Ct., filed Nov. 6, 2018).

Conway said the suit followed media reports of a “bro culture” at the gaming company. “We’re moving to compel arbitration, another hot button topic and unfairly so,” she said. “Arbitration can be fast, fair and efficient, and judges are still enforcing arbitration clauses, but the PR backlash is unfortunate.”

Speaking both of the MoFo and Riot Games litigation, she said they exist in a universe of high profile gender and sexual harassment cases sparked by #MeToo and pay equity concerns.

“What’s different is not the filings and the litigation itself, but the way it ends up in the media and in public forums,” Conway said. “You tend to be dealing with plaintiffs’ counsel who want to litigate in the media.”



“Defense counsel would rather pay attention to resolution through the courts, but sophisticated defense counsel now have to be able to ensure that the defense side is clearly stated in the media,” Conway continued. “No comment doesn’t do it any more, because it’s seen as tantamount to having done something wrong. The practice of law has evolved to the point where good advocacy includes being media savvy, including realizing how anything you put in a pleading is going to look on the front page of The New York Times.”

— John Roemer