

# Daily Journal

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## Top 75 Labor and Employment Attorneys



The *Daily Journal's* first special issue devoted to Labor & Employment was published three years ago with a cover that read: "Waiting for Brinker." That headline was an acknowledgement that the development of employment law had grown stagnant despite being a practice that consumes vast court time and resources. Even in California, the nation's hotbed for cutting edge (businesses might say edge cutting) employment litigation, the development of the law wasn't progressing.

2012 changed all of that.

In February, California's 1st District Court of Appeal issued a strongly worded opinion in *Duran v. U.S. Bank National Association* that gave crucial guidance on certification of class actions in wage and hour misclassification litigation. Two months later, on April 12, the California Supreme Court issued its long-awaited and seminal ruling in *Brinker v. Superior Court* that provided guidance on the issue of meal and rest breaks. On April 30, the California Supreme Court was at it again. This time, in *Kirby v. Immoos Fire Protection Inc.*, the justices said violations of meal and rest breaks do not provide a basis for statutory attorney fees to the prevailing party.

For the lawyers on the *Daily Journal's* list of top practitioners in California everything has changed and nothing has changed. Employment has been and will remain one of the busiest areas of the law – despite the recent rulings, most experts believe. What's different is the lawyers now have some new tools with which to work their craft.

— The Editors



DAILY JOURNAL FILE PHOTO

### Catherine Conway

Gibson, Dunn & Crutcher LLP  
Los Angeles

**Specialty:** employment litigation,  
wage-and-hour class actions

In one of her recent cases, Conway represented a Cohen & Steers manager sued by a former employee who claimed she had been wrongfully terminated and sexually harassed during her tenure at the investment management firm. *Haley v. Cohen & Steers et al.* 4:10cv3856 (N.D. Cal., filed Aug. 27, 2010). "When an individual is sued, having to respond to a lawsuit is very stressful. It's very important to the individual [that he or she is strongly represented]," said Conway, who successfully represented her client by obtaining summary judgment.

"Although sexual harassment cases are not unusual, in today's world, companies are very careful to make sure that the workplace is free of sexual harassment," added Conway.

That win was one of two important recent cases for Conway, who continues to work primarily in the wage-and-hour and class

action arenas.

In the second case, at issue was whether commercial insurance underwriters are exempt employees under California law. After full discovery, Conway filed a summary judgment motion and successfully convinced a federal judge that the insurance underwriter position is exempt under California law. *Maddox v. Continental Casualty Co.*, 2011 WL 6825483 (C.D. Cal., filed Dec. 22, 2011).

An exempt employee is not entitled to paid overtime, and in addition, meal and rest break regulations do not apply.

The ruling in that case was historic, Conway said, being one of the first published cases in reference to underwriters in California.

"There was no other case out there that you could look to," the Los Angeles-based attorney said. "We broke ground in getting the court to rule on the exemption issue."

In addition to her successes representing clients, Conway recently jumped from Akin Gump Strauss Hauer & Feld LLP in Century City to Gibson Dunn's downtown Los Angeles office.

— Andrew McIntyre

Conway has worked on enough sexual harassment suits to understand the high level of stress that individuals involved on both sides go through.