

## Employment Group Of The Year: Greenberg Traurig

By Django Gold

Law360, New York (January 04, 2012, 7:52 PM ET) -- When faced with irate employees out for blood and a multimillion-dollar damages verdict, Greenberg Traurig LLP's labor attorneys snagged a bargain-rate settlement for their clients, just one of many victories that earned the firm's labor and employment practice a position among Law360's Employment Groups of 2011.

U.S. Sugar Corp.'s directors in 2008 faced allegations in Florida district court that they had rejected a lucrative buyout bid while concealing the offer from stockholders, an egregious Employee Retirement Income Security Act violation that a class of employee shareholders claimed warranted damages in excess of \$150 million.

But a team of seasoned Greenberg labor attorneys led by David A. Coulson, Hilarie Bass and Todd Wozniak came to the directors' rescue, staving off a consolidated shareholder action that accused the board members of selling out their workers to keep their jobs.

Representing the bulk of U.S. Sugar's board, Greenberg's attorneys successfully lobbied the Florida court to dismiss 12 of the 13 counts against the company's officers, leading the plaintiffs to accept a settlement capped at \$18 million — a fraction of the damages they had sought.

"The approach here was to address weaknesses in the complaint and systematically whittle it down," Peter Zinober, co-chair of Greenberg's global labor and employment practice, said.

"Once the guts of the case disappeared, the plaintiffs' lawyers questioned if it was worth expending resources to pursue just one count," Zinober said. "It would have been a long and uncertain road for them."

That settlement, which was rubber stamped in January 2011, was just one triumph for Greenberg, a firm whose relatively nascent labor and employment practice has in recent years proven its maturity.

Though Greenberg's labor and employment practice has only operated for about 25 years, the firm's labor practitioners have already established themselves as a force to be reckoned with.

"The typical Greenberg lawyer is hungry," said Zinober, who in Tampa, Fla., serves as one of the three global co-chairs of the firm's labor group. "We are fairly new, and so we can't rest on our laurels and the reputation that people who came before us built up."

“We attract people who are very ambitious, very hungry and focused on establishing themselves as outstanding professionals in their field,” said the co-chair, who attributes Greenberg’s labor practice’s renown to its attorneys’ reputations in the courtroom.

“We have a group of some of the most accomplished and sophisticated litigators that I’ve ever seen, which is one of the reasons why we seem to be selected in a very high percentage to handle sophisticated, large-scale employment class and collective actions,” Zinober said, noting that Greenberg’s employment practice stemmed from its litigation group.

“There are many boutique firms where the lawyers just don’t litigate, and have to hire outside counsel to handle trials,” he said. “That’s just not something that we would ever do. We have the capacity and the horsepower to handle any trial, any appeal.”

As Greenberg today counts more than 100 employment attorneys in its burgeoning labor and employment practice, which stretches within 30 offices around the globe, it’s no surprise that the firm brought its clients several high-impact courtroom wins in the last year.

The firm represented grocery store chain Albertson’s Inc. in a case brought by unionized workers against the California Unemployment Insurance Appeals Board after the board denied unemployment insurance benefits to the workers in the midst of a worker lockout initiated by Albertson’s and fellow chain Ralphs Grocery Co.

Though the workers’ class action alleged they were entitled to benefits for the 18-week-long lockout period, Greenberg’s labor team fended off the suit against the appeals board in October 2011, convincing a California judge to reject the employees’ bid for class certification.

“In a case involving tens of thousands of employees, if you can’t get them certified as a class, then your case disappears,” Zinober said of the ruling.

Greenberg in the last year also had its hand in a number of decisive victories in which it reached favorable settlements for clients accused of violating various provisions of the Fair Labor Standards Act.

In an FLSA suit accusing Tenet Healthcare Corp. of withholding overtime pay by deducting lunch break time from its workers’ paychecks, Greenberg successfully lobbied a Tennessee federal court in January 2011 to compel arbitration over the putative class’ protests.

A Tenet worker and the hospital reached a settlement agreement shortly thereafter, Greenberg said.

In another suit, Greenberg’s labor attorneys fended off class action allegations that a telecommunications services provider had violated both the FLSA and Massachusetts labor law by misclassifying its installation technicians as independent contractors to avoid paying them overtime wages.

In an effort to avoid the trebled damages that could result under state law in the event of a loss, Greenberg’s attorneys tackled the complex project of developing a model to determine damages — a difficult task given that the technician-contractors hadn’t recorded their hours — ultimately pushing through a settlement agreement that the Massachusetts federal court approved in March 2011.

With 2011 in the books, Zinober said that Greenberg is looking to build upon its successes in labor law this year by expanding both its reach and the caliber of its talent.

The firm is looking to bolster its offices in major market areas such as Texas, South Florida, Los Angeles, San Francisco and New York, as well as in the firm's overseas offices, with the idea of bringing experienced labor attorneys under the Greenberg wing, Zinober said.

"In our business model, we tend to grow our practice from the top and not the bottom," he said. "We don't hire lots of people out of law school and take five, six, eight years to train them. We tend to hire experienced lawyers who have been with other firms and have developed a regional or national reputation."

With that in mind, Greenberg will be looking to grow its labor practice with lateral hires of attorneys who have at least 20 years of experience, the co-chair said.

Greenberg will also work to bring together its global human capital practice, which covers the firm's labor and employment, immigration and employee benefits arms.

"We have phenomenal immigration and ERISA practices, and they and labor really ought to function more closely together," Zinober said. "And we'll be integrating those three areas in the future."

*Methodology: In November, Law360 solicited submissions from over 500 law firms for its practice group of the year series. The more than 550 submissions received were reviewed by a committee of Law360 editors. Winners were selected based on the significance of the litigation wins or deals worked on; the size and complexity of the litigation wins or deals worked on; and the number of significant, large or complex deals the firms worked on or lawsuits the firm had wins in. Only accomplishments from Dec. 1, 2010, to Dec. 1, 2011, were considered.*

--Editing by Elizabeth Bowen.

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