

Daily Journal

JULY 18, 2012

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

Gregory W. Knopp

Akin Gump Strauss Hauer & Feld LLP
Los Angeles

Specialty: class actions and complex litigation

in labor and employment disputes.

In one case, plaintiffs accused the company of violating California statutes that prohibit employers from asking job applicants to disclose whether they have been convicted of certain marijuana-related crimes. *Starbucks v. Superior Court*, 194 Cal. App. 4th 820 (2011).

After the Orange County Superior Court denied summary judgment, the appeals court granted a writ, holding that the named plaintiffs lacked standing to bring the action.

The Superior Court then ordered Starbucks to provide discovery into its job applicants, permitting plaintiffs' counsel to find a new plaintiff. The company again petitioned for a writ, and last year

the appeals court reversed the discovery order.

"It was a headless class action," Knopp said. "We argued that we shouldn't have to help the plaintiffs' counsel find a new plaintiff."

In an ongoing matter, Knopp is lead trial counsel in a lawsuit in which the plaintiff alleges a variety of wage-and-hour claims against Starbucks on behalf of a putative class that included more than 100,000 current and former California employees. *York v. Starbucks Corp.*, 2008-cv-07919, (C.D. Cal.).

In November, the Central District denied class certification and granted Starbucks' summary judgment on several of the plaintiffs' claims for wage statement violations.

As for his strategy in such cases, Knopp said, "There is no one-size-fits-all. I think it's a matter of analyzing as quickly as possible and identifying what the risks to the company are. It all flows from understanding what the strengths and weaknesses are for class action."

— Pat Broderick

With marquee companies, litigation always seems to be brewing. That's been true of Starbucks, a client Knopp has successfully represented