Class Actions and Complex Litigation

Class action and multiple-plaintiff litigation of discrimination, wage and hour, FCRA, disability, privacy and other employment-related disputes are being filed in record numbers and pose a significant risk to employers on many fronts, including economic, cultural and reputational.

Overview

Our Class Actions and Complex Litigation Practice Group combines substantial class action experience and significant subject matter knowledge with thoughtful, strategic and creative approaches in providing clients with sensible strategies to defend difficult lawsuits. Our extensive internal resources, substantial data analysis and e-discovery capabilities, and multi-office platform provide us with unique capabilities in class action litigation.

We can assist in all of the following areas:

- FLSA/state law wage claims;
- Title VII, ADA, ADEA and other discrimination claims;
- ERISA;
- TCPA (Telephone Consumer Protection Act);
- FCRA and other privacy laws; and
- WARN.

In all matters, our approach begins with an aggressive early case analysis with a particular focus on:

- Evaluation of the merits of the underlying claim(s);
- Assessment of the class issues and likelihood of class certification;
- Estimation of the likely discovery issues and costs;
- Preparation of damages models and potential exposure analyses; and
- Consideration of the effect of the litigation on the company's operations, media issues, and financial and competitive impact.

Systemic Discrimination

Systemic discrimination claims are on the rise. The EEOC has made investigating and litigating issues involving employers' policies and practices that allegedly have a disparate impact on women, minorities, the disabled and other protected employees a
priority. In addition, the OFCCP is continuing to explore potential systemic
discrimination issues among government contractors, and prominent plaintiffs’ lawyers
are also seeking to take part in this wave of systemic discrimination litigation.

We have extensive experience representing employers in class actions and other large-
scale discrimination cases, both at administrative agencies and in court, and understand
the particular sensitivity these types of claims can have within a company. In addition to
our national Class Actions and Complex Litigation Practice Group and experienced trial
lawyers with expertise in discrimination matters, our Affirmative Action Compliance and
OFCCP Defense Practice Group includes not only lawyers, but also professional
statisticians who regularly assist in defending these matters.

Gender Discrimination
Our attorneys have defended clients in many significant gender discrimination cases
alleging unequal treatment of women in compensation, promotion, hiring and
termination, including cases involving “glass-ceiling” allegations, Equal Pay Act claims,
sexual harassment claims and other related cases brought under state and federal law.
Our diverse team of seasoned trial lawyers across the country is prepared to bring
creative strategies to these issues and to try cases in which an earlier resolution cannot
otherwise be achieved.

Race Discrimination
We have appeared before the EEOC on matters arising from its E-RACE initiative,
including matters ranging from the use of credit and background checks in hiring
decisions, to racial stereotyping and other issues involving facially neutral policies that
may have an adverse effect on racial minorities. We have also defended companies in
state and federal court on claims of race, color and national origin discrimination, and
our Corporate Diversity Counseling Practice Group provides comprehensive and
innovative approaches to diversity-related issues.

Disability Discrimination
Our Disability, Leave and Health Management Practice Group has long been at the
cutting edge of disability law issues, including ADA, FMLA and leave management cases
arising under state and federal law. We use this expertise to assist clients who face
claims that their employment policies or practices have a discriminatory impact on
employees who take leave or are disabled, and we offer proactive advice on best
practices and effective litigation strategies.

The Team

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"Our relationship partner made
Jackson Lewis stand out...is fantastic,
super-smart, personable, and is
super-responsive...We need black
belt advice, and Jackson Lewis gives
that to us."

"For companies that do business in
many states: don’t even look
elsewhere."

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The Team
Webinars

Should We Catch the Wave? Practical Considerations After the U.S. Supreme Court’s Decision Upholding Class Action Waivers

When: May 24, 2018 - 3:00 PM to 4:00 PM EST

Class Actions and Complex Litigation Webinar Series

When: March 14, 2017 - 2:00 PM to 3:00 PM EST
Credits: Continuing education credit was offered for the live broadcast of this seminar. You cannot earn credit for watching the archived webinar.

Class Actions and Complex Litigation Webinar Series

When: February 14, 2017 - 2:00 PM to 3:00 PM EST
Credits: Continuing education credit was offered for the live broadcast of this seminar. You cannot earn credit for watching the archived webinar.

Publications

January 3, 2020
2020: The Year Ahead for Employers and The California Year-End Summary
Welcome and thank you for your interest in the 2020: The Year Ahead for Employers and the California Year-End Summary. 2020: The Year Ahead for Employers A collection of national trends, legislation, regulation and litigation that we expect to have a significant impact on the workplace in 2020. California Year-End...

January 2, 2020
Retail Industry Workplace Law Update – Winter 2020
Class Action Trends Report This issue of our quarterly report takes a look back at the most significant class action developments of 2019. Topics include: The proliferation of independent contractor claims Noteworthy
California Bar on Mandatory Arbitration Agreements in Employment Temporarily Enjoined

The State of California has been temporarily enjoined from enforcing its prohibition on mandatory employment arbitration agreements under Assembly Bill 51. Chamber of Commerce of the United States, et al. v. Becerra, et al., No. 2:19-cv-2456 (E.D. Cal. Dec. 30, 2019). The motion for a preliminary injunction is set for a hearing on...

In the News

January 2, 2020
Stephanie Adler-Paindiris Discusses Cases to Watch in 2020
Stephanie Adler-Paindiris discusses the implications of significant cases to watch in 2020 in "Employment Cases To Keep An Eye On In 2020," published by Law360. Subscription may be required to view article

December 11, 2019
Michelle Phillips Comments on Implications of Harvey Weinstein's Tentative Deal To Settle Sex Claims
Michelle Phillips comments on the implications of Harvey Weinstein’s tentative $47M settlement in sexual misconduct suits and its impact on employers in the workplace in "Harvey Weinstein Sex Abuse Settlement Is Not an ‘Oh, Wow’ Number," published by Bloomberg News. Subscription may be required to view article

December 2, 2019
10 Jackson Lewis Attorneys Named Among the Top Latino Lawyers of 2019
NEW YORK, NY (December 2, 2019) Jackson Lewis P.C., one of the country’s preeminent workplace law firms, is pleased to announce 10 attorneys have been named to the “Top Latino Lawyers 2019” list compiled by Latino Leaders Magazine. The annual list honors successful and inspirational lawyers from across the country for being leaders in...

Blogs

Employment Class and Collective Actions

Ninth Circuit Affirms Denial of Class Certification in Gender Bias Case
January 3, 2020
Reinforcing the burden on any putative class to satisfy all of the requirements of Federal Rule of Civil Procedure 23, the U.S. Court of Appeals for the Ninth Circuit has affirmed the district court’s order denying the plaintiffs’ motion for class certification in an employment discrimination action. Moussouris v. Microsoft Corp., No.

Employment Class and Collective Actions

Ninth Circuit Affirms Denial of Class Certification in Gender Bias Case
January 2, 2020
On December 24, 2019, the U.S. Court of Appeals for the Ninth Circuit affirmed the district court’s order denying Plaintiffs motion for class certification in their employment discrimination action.

By Stephanie L. Adler-Paindiris and Arlen Gharibian

Employment Class and Collective Actions

Class Action Trends Report – Fall 2019
December 12, 2019
Our quarterly report discusses new developments in class action litigation and offers strategic guidance and tactical tips on how to defend such claims.

By Stephanie L. Adler-Paindiris, David R. Golder and Eric R. Magnus
Related Practices

Disability, Leave and Health Management

Employee Benefits

General Employment Litigation

Privacy, Data and Cybersecurity

Wage and Hour

Videos

Corporate Board Diversity

Michael Jakowsky and Teri Wilford Wood discuss the implications of recent developments in corporate board diversity.