

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.

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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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