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Litigation Leaders: Stephanie Adler-Paindiris of Jackson Lewis on 'the Good, the Bad and the Ugly' of Trial Practice

By Ross Todd
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Welcome to another edition of our Litigation Leaders series, featuring the litigation practice leaders at some of the biggest and most innovative law firms in the country.

*Meet **Stephanie Adler-Paindiris**, the national practice head for litigation at **Jackson Lewis**, who is based in Orlando, Florida. After serving as a prosecutor in the Bronx earlier in her career, she has spent 25 of her 33 years in practice at the national labor and employment firm.*

Adler-Paindiris responded to my interview opener—a request for the elevator speech version of what she does and who she does it for—with a long and colorful recitation of her employment history and how it's informed her work as litigator. "I was the kind of kid that loves to work, which is a weird thing to say, but at 13 (I said I was 15) I was a waitress at a mom-and-pop pizza shop." CVS, grocery stores, shoe stores, waitressing and bartending jobs: The list went on.

Courtesy photo

Stephanie L. Adler-Paindiris, Principal and National Practice Head of Jackson Lewis P.C.'s Litigation Group

"I handle all kinds of cases, from dealing with the C-suite down to a server," she said of her docket. "I can put myself into almost any of their shoes because I did that job. I did that job and I loved that job."

"Some jobs I don't know, of course, but I love learning about them. I love living vicariously through people. … When you're in high school and they tell you can be a doctor, a lawyer, or a nurse

or whatever, no one told me I could be in charge of the propellants at the Space Center. And I know that job because I handled a case at NASA." Adler-Paindiris summed up her answer by saying: "I'm kind of right where I'm supposed to be."

What follows has been edited for length and clarity.

Lit Daily: How do you balance your personal practice representing employers with being a leader at a relatively large employer yourself on the litigation side at Jackson Lewis?

Stephanie Adler-Paindiris: That is a fantastic question, and it assumes that I do balance those things. The quick answer is: 'The best I can."

I have a very, very full practice. At Jackson Lewis—I'm not sure about other firms—our leaders are very much practicing lawyers. We don't really take a step back. And for the most part, I handle class and collective actions all over the country. I would say it takes a lot of organization, a lot of learning how to delegate well, a lot of giving other people opportunities to shine where they can. Knowing when it really has to be me and when it doesn't have to be me: I think that you learn that through experience. In the beginning, I thought it all had to be me. It doesn't. Lots of things don't have to be me—even when clients think that it has to be me.

I've had a lot of hats. So, I've learned a lot. I started out just being the office litigation manager, and then I was the practice group leader of the class action practice group, and then the litigation practice group, and then I served on the board of directors for four years. Now I'm the national head of litigation, which is over all of the litigation groups. And I think, over time, you learn how to navigate what's the best use of your time. I can't change everything—even as much as I'd like to. So, I have to really prioritize and say, "Okay, I could spend a lot of time trying to fix this one small problem, or a little time trying to fix a bigger problem or improve a situation or a process or a technology." And I think that's where I've learned and grown, which is really focusing on where I can make the biggest impact efficiently, while still providing excellent quality legal services to the clients that have hired me.

It is not always easy, and there are times when it's not pretty. But I have a lot of really, really good friends that help me step off the ledge when I need to.

Unpack the structure of litigation at Jackson Lewis for me. You oversee litigation broadly, but you used to oversee the class action group. So, one, tell me how many litigators you've got and where they are, and two, how you're structured.

At Jackson Lewis, we have three what we call "heads." I'm the national head of litigation, and then there's two other buckets that cover what we consider to be compliance and specialty practice groups. So, as the head of litigation, in my role I oversee the litigation practice group, which is the general employment litigation practice group, class actions and complex litigation, the trial and appeals practice group and the ERISA complex litigation practice group. So, for those four practice groups, the practice group leaders all report up to me.

So, we are working to have a cohesive litigation strategy about quality, ethics, training, retention and recruitment—and, of course, culture. So those are kind of the key things that we want to run through every one of those practice groups.

We have about 933 litigators across 63 offices. The biggest group is that employment litigation group, but then a lot of lawyers overlap. So, you could be in the employment group, but also be a class action lawyer, like I am, or be part of the trial and appeals group. One of the things that we added, I want to say, in the last three or four years, when I was actually the litigation practice group leader, is the trial and appeals practice group. What we're seeing is that cases are being tried a lot more. When I started out my practice, there weren't a lot of trials. We have, probably, two or three trials at any given time now, and they're big trials. And I'm sure you've seen the verdicts. We have a lot of nuclear verdicts, particularly in California. But it's starting to spread throughout the country.

You can be an amazing litigator and marshal evidence and prepare a case for trial, but not have a lot of trial experience. So, we created this trial and appeals group where our trial lawyers can parachute in anywhere in the country and work with the litigator who prepared the case, but also have that experience of picking the jury and creating the narrative. We do a lot of mock trials. That has been a tremendous new aspect of our litigation group, and I think it really helps our clients feel more secure. When they're in the litigation and they're evaluating whether to settle or not—and for how much—they understand that we know what happens at trial. We know the good, the bad and the ugly, and we can help you navigate that. So that's been a really fun addition to our litigation arsenal.

So, among those trial lawyers, how many of them have a prosecutorial background like yours? How many got their trial chops that way?

A lot. I would say we get them from two big buckets. There are always exceptions. One of them is certainly the DA's offices, the U.S. Attorney's offices and the [public defenders'] offices. We have recently hired some incredible attorneys who were in U.S. Attorney's offices in the current presidential administration and chose not to stay there, both in D.C. and California. So, that's been a tremendous success.

We've actually hired a couple of people from high-profile plaintiffs firms in New York and Chicago, who just want to try cases. And that's been a tremendous asset, because now we've kind of got a view from the other side. And then I would say we've hired from some insurance defense firms that try more cases.

When I came to private practice, even though I was a junior associate, I had tried more cases than almost any other lawyer at the firm. Did I necessarily know civil practice? No. But I knew how to pick a jury. I knew how to prep a witness. I knew how to get beat up a little bit by judges. I knew how to get beaten up by opposing counsel. And those are skills that are just tough to learn unless you're doing it over and over and over and over again.

Legal ethics came up in my conversation with Adler-Paindiris in a way it seldom has in this series. She told me something that stuck with her that an instructor at the Intensive Trial Advocacy Program at Yeshiva University Benjamin N. Cardozo School of Law told her: There inevitably will be times when you get so wrapped up in winning a case that you will be tempted to cut ethical corners—say, withholding a produceable document.

"I literally hear that in my brain every single day I work, and I tell it to every associate: No case is as important as your word, your ethics and your integrity."

"I tell everyone at Jackson Lewis: Keep your side of the street clean and let the chips fall where they may. We do not roll that way, and we never will. And if we find out someone did, they are no longer at Jackson Lewis."

Lit Daily: What are the hallmarks of Jackson Lewis litigators? What makes you different? How much of it is centered on the fact that the focus of the firm is employment?

Stephanie Adler-Paindiris: Well, I think that there are certain things that are common amongst Jackson Lewis and our competitors. I think obviously, being focused on employment law, we have tremendous resources and a deep bench of knowledge. We have people that do nothing but read every single case coming out under the [Pregnant Workers Fairness Act] and every single case on every non-compete issue in every jurisdiction. We have this tremendous infrastructure behind the lawyers that are ensuring that we know every case that comes out in every jurisdiction, every aspect that our clients care about. So not only are we constantly updating our clients, but we're educating ourselves. We're not going to be taken off guard by some new case that came out.

We all believe that it's important to spend a pretty significant part of our day doing that and learning the law. That's part of the reason I love this job, because I'm one of those geeks that loves reading opinions. Every time a Supreme Court case comes out, I just cannot wait to get my hands on it, partly because I love to write and I love to read, and I think they write beautifully, even if I don't agree with the outcome sometimes.

But I would say that the difference at Jackson Lewis is—I know every firm says this—but we have a really serious, collaborative culture, and it starts with how we pay partners. We are not an "eat what you kill" firm. The way that our folks are compensated values getting the best person on a case. It values the collaboration. So, if I have a case and it's a client that I manage, but I'm not the best person to handle that case, it should be handled by someone either in another office or someone even in my own office, but with better expertise. That person's going to be recognized and valued and get credit. No one is like: "Well, I don't want to take that case, because I may not get credit."

That philosophy flows down into every decision that we make. We believe a rising tide lifts all boats. So, if it's good for the firm, it's good for us. That means that the client gets the best person on the case. It also means that associates and senior associates and of counsel get opportunities they might not otherwise get. In other firms, partners may be afraid to introduce clients to associates or even senior lawyers, for fear that perhaps they

might lose them. But we don't have that issue here. To me, if you're a client of the firm, you're not my client. Your litigation should be handled with care: not with respect to how I might get paid or how I might get credit, but how it needs to be done for you. What is the outcome that you want?

That creates a collaborative environment where we're not in competition with each other. We're in collaboration with each other. And when we go on pitches or we have client events, one thing that clients will always say, even in anonymous surveys, is: "You all seem like you have so much fun together. You love working together." Now, personally, my husband is a partner at this firm, and my best friends are partners in this firm. I've been here 25 years, so I have a lot of eggs in this basket. But the truth is, we genuinely like working together. And when I call someone and say, "Help! Uncle! I need help," everyone's like, "What can I do? How can I help?"

When we recruit and hire people, we tell them: "If you're an 'eat what you kill' person, this is not the place for you. If you're a 'how can I help' person, this is the place for you." It's not for everyone. But it is 100% for me, and it is 100% for the other equity partners and people who stay here and love it here.

I've been here 25 years. My husband's been here over 30. We have a lot of long-term people. It's because we love what we do, but we also happen to really like the people we do it with.

I love getting my hands on a new case and figuring out: "What's this going to be about? Who are the people I want to talk to?" I want to get my hands in the documents. I want to start thinking. I want to start strategizing. It never gets old. They're always interesting. They're always fascinating.

I've handled a gazillion cases under Title VII or the ADA or FMLA. Every case is different. It's never boring. It's always interesting and our clients are always super appreciative. And there's just a magic to that.

And then lastly, I would say, I think we're very highly ethical and conservative when it comes to ethics. We have very high expectations of our litigators. There are no shortcuts when litigators make mistakes. We are very quick to admit them, correct them, ensure that they don't happen again. We have over 1,200 lawyers. Mistakes happen. They do. Someone will forget to produce a document. But we just hold ourselves to a very high standard and that's important to me, personally. I would not work for a firm or even a client that felt that was questionable. That's a deal breaker for me. When I talk as the national head of litigation to my lawyers when they make mistakes, I'm always very careful to be, number one, compassionate, because this is a hard job. I always tell them, "Look, I'm here to help. Let's figure out what happened. Let's make sure our client is taken care of and then let's move forward and make sure it doesn't happen." I just think that working for a firm with that level of ethics is very, very critical.

I know this is going to vary from mandate to mandate, but when competing for litigation work, do you find yourself more often up against labor and employment firms like your own or large general service firms like Morgan Lewis and Gibson Dunn that have top-flight employment practices?

That's a great question, and it depends on what kind of work we're competing for. So, for instance, in the ERISA complex litigation space, we're up against Morgan Lewis and Seyfarth Shaw and Gibson Dunn. We often get a lot of that work because we have lawyers that were trained at all those firms. We're more economical, but we have great outcomes.

When it comes to single plaintiff work or work that is insured, we're typically up against our competitors—national labor and employment firms. When it comes to things like benefits, non-compete work, corporate compliance, diversity, that really runs the gamut. A lot of people go to their general practice firms for that. So, we'll compete with small general practice firms. But I'd say the bulk of our work—which, really, we're a litigation house—is mostly competing with our fellow national boutique firms.

I've been looking forward to this because it's going to be different than I get with those general service firms: In what three areas of litigation do you have the deepest expertise? (I know it's hard, but please limit yourself to three.)

Single plaintiff employment: discrimination, retaliation. For sure, that's our bread and butter. "You fired me because I am a protected class and I complained about protected activity."

Then I would say ERISA/complex litigation.

And I would say trials.

Do you have a couple of examples of successful litigation outcomes from the past year that exemplify the firm's work and how it goes about it?

We're very careful about not talking about our work unless it's approved by our clients. So, one of the ones I have approval on is a case where **Jennifer Schwartz**, **Robert Capobianco** and **Adriana Midence** achieved a $6 million verdict upholding a non-compete agreement. Those are three lawyers who really exemplify Jackson Lewis. Jen Schwartz is in Miami, and Robert Capobianco and Adriana Midence are in Atlanta. It was a perfect example of putting together a dream team in a very complicated restrictive covenant non-compete case.

There's also a class action case that was handled by **Sarah Gasperini** and **Robert Rachal** involving a shareholder claim related to an employee stock ownership plan for GreatBanc Trust Co. that was very, very successful.

I would say our biggest success stories are cases where our clients face class and collective actions, where, if the class is certified, there are tens of millions, if not hundreds of millions, of dollars of exposure. Through a lot of digging and looking for the needle in the haystack and being creative and trying desperately to come up with different arguments in a case that seemingly has no good defenses, we defeat the class. You settle the case for, like, $10,000. To me, that is the greatest win on the planet. That kind of keeps me going. We have a lot of examples of those, many of which our clients would not want to advertise.

If it goes to trial, most clients don't feel like that's very successful. Even if we win a trial, it's like, "Well, we really would have rather not been here." The success is finding the needle in the haystack.

For example, I handled a whistleblower case for a very large banking institution, a Fortune 50 company. We have had a lot of whistleblower

cases, particularly lately. What was so fascinating about this was a case where the plaintiff's lawyer, who's a very good lawyer, and the plaintiff served their Rule 26 disclosures, and they listed every person that they thought was going to speak really highly of the plaintiff. And it was a really long list of people. And I thought, "Oh my goodness, I'm going to have to call these people and interview them, because they are listed as witnesses." And as I started going through the list, what became clear was that they did love the plaintiff, they thought the plaintiff was great, but they didn't know why she was fired, number one, and, number two, when I told them why she thought she was fired—pregnancy discrimination—they thought that was the most absurd thing ever. After getting to, like, the fourth person on a list of 30, I called the opposing counsel, whom I respect, and I said, "Look, this woman clearly made a mistake that resulted in her termination. She seems like a really decent person. She had a long career at this bank. I really don't want to burn her down and basically trash her reputation with every person that she respects. I think you should actually walk away."

After a lot of hemming and hawing, he walked away. And that really had nothing to do with the law. It had to do with me feeling terrible about another woman who had built a career, who had worked there 30 years, who clearly made a compliance error that led to her termination, but I had no interest in burning her down. That's the kind of solutions I like to find, and the client was obviously very happy.

So, what's the firm's coming trial docket look like?

We probably have 50 cases scheduled for either arbitrations, jury trials or bench trials in 2026. We have trials going almost every single week, or we're on the courthouse steps and they settle. I would say that is a massive difference [from the past]. Part of it is the *Muldrow* case that the Supreme Court issued, which basically said that almost any negative action in the employment setting that establishes any harm is actionable. It used to be you could only litigate termination, demotion, suspension, pay cut. Now it›s really anything that causes any amount of harm. So, there›s an aspect of summary judgment that›s no longer there [for the defense]. And then I would say the other thing is, the Supreme Court has basically said they want to get rid of the *McDonnell Douglas* test, which is the test that we have used to evaluate cases since 1972 and has been used to get rid of cases on summary judgment. The Supreme Court said: "That›s not in the statute. We don›t see any use to it." And a lot of district courts have agreed. So, what that means is more trials, as cases are not getting dismissed on summary judgment. And as verdicts are getting larger in all of these jurisdictions, those two combinations have created a confluence of events where more cases are going to trial. Settlement demands are growing. Clients have not caught up with the risks of trials, and more cases are going to trial. So, we have a huge trial docket.