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Employment Group Of The Year: Sanford Heisler

By Danielle Nichole Smith

Law360 (January 30, 2019, 11:27 AM EST) -- Sanford Heisler Sharp LLP has helped women fight sexual harassment and discrimination in both big law and higher education, securing a \$3.1 million settlement in the high-profile bias suit against Chadbourne & Parke LLP and a \$1.25 million verdict for a former Columbia professor, landing it among **Law360's Employment Groups of the Year**.



The firm currently has 47 attorneys spread across New York, D.C., San Francisco, San Diego, Nashville and Baltimore, all of whom work on employment matters. David Sanford, the firm's chairman and co-founder, said the firm recently added six new lawyers, noting that though the firm tends to grow by need, it also hires opportunistically.

"We consider applications that come in on a regular basis even though at any given time we may not have a job opening, and if the person is extraordinary then we make a hire," Sanford said.

The firm's willingness to tackle challenging cases and push the law in ways that will help and protect workers sets it apart in the employment practice area, according to Andrew Melzer, co-chair of Sanford Heisler's wage & hour violation practice group.

Alexandra Harwin, co-chair of the firm's Title VII practice group, echoed this sentiment, saying the firm brings creativity and strong advocacy even to those difficult cases.

"We do groundbreaking work because we take on cases that might be too challenging or too novel for other law firms," Harwin said.

Sanford Heisler demonstrated its skill with tough cases when it took on Chadbourne & Parke and its successor firm Norton Rose Fulbright US LLP in a proposed class and collective action suit alleging systematic pay discrimination against the firms' female partners, ultimately **securing** a \$3.1 million settlement for the three partners leading the suit in March. Sanford said the case captured national attention because of Kerrie Campbell, who first filed the suit, and the other two partners' courage in bringing attention to the issue of pay disparity in the legal profession.

"Kerrie Campbell brought attention to this problem and as a result of that a lot of firms have changed their practices and pay policies and promotion policies with respect to female attorneys,"

Sanford said.

Sanford Heisler scored victories in the case prior to the settlement, getting a federal judge **to reject** Chadbourne & Parke's pre-discovery arguments that the plaintiffs weren't covered by employment discrimination laws because they were partners and to rule that six male attorneys in senior positions at the firm **had to search** their personal emails.

In addition to the \$3.1 million settlement, which resolved the three partners' Equal Pay Act claims, the firm helped the partners reach separate, private agreements for their other claims as well.

And Chadbourne wasn't the only firm Sanford Heisler secured a settlement from in 2018. It also aided a female partner at Proskauer Rose in **reaching a private settlement** with the firm in August in her \$50 million gender bias suit. The partner, who initially filed as a Jane Doe, was eventually revealed to be Connie Bertram, then the head of the firm's D.C. labor and employment practice. Like Chadbourne, Proskauer argued before discovery that law firm partners didn't qualify for protections under employment discrimination laws, but the judge denied its summary judgment motion without prejudice to allow for limited discovery in the case.

Melzer said the cases reinforced that whether someone qualified as an employee was a fact-specific question and that many partners at large law firms often are employees that have protections under employment law.

"These cases can't be simply dismissed out-of-hand because someone happens to be a partner," Melzer said.

Sanford Heisler also had success in 2018 fighting for women in higher education. In July, the firm **scored a \$1.25 million jury verdict** for a former Columbia University assistant professor in what the firm's attorneys characterized as the first major trial of the #MeToo era. In the case, Enrichetta Ravina alleged that the senior leadership at the university let a tenured professor sexually harass her and hinder her career.

"This was a case that perhaps other law firms might have shied away from because it was a complex one involving allegations of sexual harassment and retaliation that were intertwined with research sabotage," Harwin said.

"We believed in this case, and we recognized that whatever challenges were associated with it, we wanted to fight for this client and her cause," she added.

The firm was also successful in securing a private settlement for a female doctoral student who alleged that a Columbia professor sexually harassed her for years and that the school did nothing when she complained. The professor withdrew from teaching and advising at the university in October, and the university reached a confidential settlement with the student in December, the firm said.

"Fortunately, we were able to get a great settlement for our client as a result of that litigation, and hopefully Columbia will view these kinds of issues differently going forward," Sanford said.

Sanford said that as a firm dedicated to social justice, Sanford Heisler has a responsibility to protect civil rights by engaging in aggressive, passionate, creative and ethical litigation. He said that they had seen a "constant chipping away" at those rights by a "very conservative Supreme Court" and Republican policies he described as "draconian" and "regressive."

"It's a challenge, every day is a challenge. It seems that with every Supreme Court decision, there's a greater challenge. But we are in that fight," Sanford said. "A lot of firms have folded in the last 20 years because they weren't able to sustain the fight. We're one of the few firms in America that continue to sustain that fight, and we're going to continue to do it for years and decades to come."

--Editing by Alyssa Miller.

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