

# Daily Journal

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## LABOR & EMPLOYMENT

What's the point of all this?

Despite being a relatively old practice (the U.S. Department of Labor was created in 1884), labor and employment law continues to develop in significant ways. California has for years led the nation in the development of labor and employment law. Because

of that, California has some of the most experienced practitioners in the nation.

You need no further proof of this than the *Daily Journal's* annual list of Top Labor & Employment lawyers. As you read through these pages you will find attorneys on the plaintiffs' and defense side involved

in every major labor and employment issue of the day. We considered 250 attorneys in compiling a list of 75. We did not include general practitioners, even those who argued marquee labor or employment cases. We wanted this list to be about litigators, and corporate and regulatory specialists.

— The Editors

### TOP 75 LABOR & EMPLOYMENT LAWYERS



**NATE KOWALSKI**

ATKINSON, ANDELSON, LOYA,  
RUUD & ROMO  
Cerritos

Specialty: Labor negotiations,  
wage-and-hour and discrimination  
cases

**K**owalski considers one of his most notable cases from the past 18 months reflective of the tough times California is enduring.

In that case, he represented Los Angeles County Superior Court in a sex discrimination lawsuit arising out of a layoff last year. *Hayes v. Superior Court*, CV-10-1818 (C.D. Cal., filed March 12, 2010).

At issue, the court changed its layoff policy in February 2010 so that part-time employees were subject to layoff before full-time employees.

Following a layoff in March of that year, three part-time female employees brought suit, alleging the court's policy change reflected discriminatory intent and unfairly targeted female employees who were trying to balance work and family responsibilities.

U.S. District Judge George Wu granted the court's motion for summary judgment, concluding the plaintiffs had not offered sufficient evidence that the court's policy was based on gender, rather than on their status as part-time employees.

The case is currently before the 9th U.S. Circuit of Appeals.

"It illustrates the trend that is seen in a lot of litigation arising out of budgetary problems and the financial crisis that public agencies are experiencing," Kowalski said. "Many of them have been taking drastic measures, because they have no choice in the face of severe budgetary shortages."

While he's had other budget-related disputes, Kowalski said he considers Hayes "perhaps the most unconventional."

"It was a hard-fought case that required

a ton of work and preparation," he said. "This is important, because a lot of public agencies are engaging in layoffs, and if the court had validated this theory, it potentially could have been duplicated by other plaintiffs."

However the 9th Circuit rules, he said, "we will have a decision in a new area of law with a pretty unique fact pattern."

Kowalski, who was retained by the Judicial Council of California, Administrative Office of the Courts, devotes much of his time representing the superior courts in labor and employment litigation.

"You might think that court employees are less litigious than other employees, but that's not the case," he said. "They have the whole gamut of employment claims, and, with 50-plus courts around the state, that's a lot of litigation."

Working for the AOC, Kowalski said, suits him well.

"They have some very sophisticated and experienced lawyers," he said. "They are demanding and they expect a lot, but they are very easy to work with, because of their sophistication."

— Pat Broderick