

Daily Journal

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Top 75 Labor and Employment Attorneys



The *Daily Journal's* first special issue devoted to Labor & Employment was published three years ago with a cover that read: "Waiting for Brinker." That headline was an acknowledgement that the development of employment law had grown stagnant despite being a practice that consumes vast court time and resources. Even in California, the nation's hotbed for cutting edge (businesses might say edge cutting) employment litigation, the development of the law wasn't progressing.

2012 changed all of that.

In February, California's 1st District Court of Appeal issued a strongly worded opinion in *Duran v. U.S. Bank National Association* that gave crucial guidance on certification of class actions in wage and hour misclassification litigation. Two months later, on April 12, the California Supreme Court issued its long-awaited and seminal ruling in *Brinker v. Superior Court* that provided guidance on the issue of meal and rest breaks. On April 30, the California Supreme Court was at it again. This time, in *Kirby v. Immoos Fire Protection Inc.*, the justices said violations of meal and rest breaks do not provide a basis for statutory attorney fees to the prevailing party.

For the lawyers on the *Daily Journal's* list of top practitioners in California everything has changed and nothing has changed. Employment has been and will remain one of the busiest areas of the law – despite the recent rulings, most experts believe. What's different is the lawyers now have some new tools with which to work their craft.

— The Editors



DAILY JOURNAL FILE PHOTO

Robert F. Millman

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Specialty: Labor-management relations, health care, class actions, alternative dispute resolution, discrimination/harassment

costly defined contribution plan, is a sign of the times.

"It's a microcosm of what is going on nationally," he said. "Over the years, collective bargaining agreements have grown too fat and rich in both the private and public sector, and this is creating economic havoc across the nation. This is particularly true with respect to pension plans."

Millman represented St. Francis Medical Center Lynwood, one of the Los Angeles-area hospitals that serve the indigent.

He successfully negotiated a contract with the United Nurses Association of California, moving from a defined benefit plan to a defined contribution plan, which served as the model for an agreement with the Service Employees International Union, another of

the hospital's bargaining units.

"When UNAC agreed, the domino fell, and it was much easier to negotiate the SEIU agreement, he said.

In another matter, Millman represented Arkansas Best Freight in a lawsuit against the International Brotherhood of Teamsters and YRCW, the nation's largest Teamster trucking company.

Both ABF and YRCW are signatories to the National Master Freight Agreement, a multiemployer labor contract covering their Teamster drivers.

The IBT granted contractual wage and benefits concessions to YRCW but not to ABF, which alleged that the National Master Freight Agreement prohibits special concessions to only one employer. *ABF v. International Brotherhood of Teamsters*, 5:10-cv-05209-JLH (W.D. Ark.).

In 2010, a federal judge granted a motion to dismiss the lawsuit, and last year the decision was reversed on appeal. The matter is ongoing.

"There is potentially hundreds of millions of dollars at stake," Millman said. "ABF is entitled to an even playing field."

— Pat Broderick

Millman said his successful negotiation of a significant nursing union contract, resulting in a shift from a defined benefit pension plan to a less