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## Labor of Love

By Susan McRae

PASADENA - Rothner, Segall & Greenstone isn't your typical union-side labor law firm.

Take a recent class action that came to it through a union representing Orange County social services workers facing layoffs and furloughs.

Instead of simply representing the union members, the firm partnered with the nonprofit Western Center on Law and Poverty and sued the county on behalf of the welfare applicants themselves, arguing their claims for food stamps and medical care would be greatly delayed if the jobs were cut.

Not only did county officials agree to halt the layoffs and furloughs, they also streamlined the application process and agreed to provide regular compliance reports, which the lawyers said have shown a steady improvement in processing benefits. *Blackwater v. County of Orange*, 09-0568 (C.D. Cal., filed Jan. 2009).

"I liked the fact that the attorneys were willing to think creatively and also expand protections and build coalitions that involve other groups," said Jean Shin, a partner at the Rothner firm who worked on the case.

Since opening shop in 1992, the 11-member boutique has taken a creative approach to conventional labor disputes, oftentimes obtaining better results than if the lawyers had gone the traditional route of bargaining and negotiation - although they've captured their share of successes in that area, too.

The Blackwater case exemplifies the scope of work that partners Glenn Rothner, 60, and Anthony Segall, 55, envisioned when they left the strictly union-side labor law firm Reich Adell Crost & Cvitan to go out on their own. In every case, they look for creative solutions, many times forging unusual alliances with public advocacy groups.

Ellen Greenstone, 60, a partner with the labor law firm Greenstone, Holguin & Garfield, joined Rothner in 1995, and the firm became Rothner, Segall & Greenstone. Coincidentally, all three name partners got their introduction to labor law years earlier while working for the United Farm Workers under legendary leader Cesar Chavez.

Many of the firm's lawyers have a strong labor background. Shin, 33, who came on board in 2003 straight out of Yale Law School, grew up with parents who were active in the Service Employees International Union, the fastest growing union in North America, according to its website - and one of the Rothner firm's clients.

The firm also takes cases outside the labor realm - from a taxpayer lawsuit alleging corruption on the part of the city treasurer of South Gate to the free speech rights of teachers to hold workshops on the needs of gay and lesbian students to a nonunion, minimum-wage claim on behalf of lap dancers.

The lawyers also agreed last month to represent former Los Angeles County Superior Court spokesman Allan Parachini, who was fired amid allegations of leaking information to celebrity news site TMZ. Parachini has denied any wrongdoing, saying his dismissal came after he pushed for more transparency and media access to court operations.



**NEWS**   **RULINGS**   **VERDICTS**

Friday, December 3, 2010

### Bankruptcy

#### Heller Estate Sues Law Firms for Business Theft

The Heller Ehrman estate has sued 48 law firms and one investment firm so far this week, alleging they improperly collected the proceeds from business begun at the now-defunct Heller.

### Family

#### Prop. 8 Panelist Refuses to Recuse Self

Circuit Judge Stephen R. Reinhardt had a quick retort to calls for his recusal from the 9th U.S. Circuit Court of Appeals panel set to hear the Proposition 8 case. Not going to happen, Reinhardt said.

### Obituaries

#### Folksy Trial Master Captivated Juries

Kermit J. Morgan, 1914-2010

### Zoning, Planning and Use

#### Court Upholds Farm Protection Laws

Deciding on an issue that has generated extensive controversy in the building industry, a state appellate court reinstated a Stanislaus County regulation requiring home builders to set aside farmland equal to the acreage needed for new subdivisions.

### Entertainment & Sports

#### 'Sahara' Dispute Focuses in on Fees

A superior court judge is set to tie up the potentially big-dollar loose ends in a long-running dispute between author Clive Cussler and a film production company over the blockbuster disappointment "Sahara."

### Government

#### Discovery Ordered in Lethal-Injection Lawsuits

Attorneys for the state of California argued Thursday that a federal judge should dismiss part of a lawsuit seeking to invalidate its lethal injection procedure.

### Courts Limit Clerks' Hours

With monthly court closures no longer in effect, several trial courts are eyeing other tactics to deal with budget gaps: limiting their services and hours for their clerks' offices.

### Environmental

#### Deposition OK'd in Chevron Case

A federal judge will allow Ecuador to depose a former Chevron contractor whom plaintiffs suspect has information that could call into question the oil giant's conduct in a long-running pollution case.

**Labor/Employment** **CONTROL COSTS WITH JAMS MANAG**

But the firm's bread-and-butter clients remain labor unions, including several locals within the SEIU and the American Federation of State, County and Municipal Employees, or AFSCME.

"One of the reasons we value their work is they do think more creatively than most labor law firms we deal with around the country," said Larry Weinberg, general counsel AFSCME in Washington, D.C.

"In terms of lawyers we've worked with in California," Weinberg said, "we've been very happy with them, not only for being creative, but in getting the work done without assigning 27 lawyers to the case."

AFSCME is one of several union clients that came with Rothner in 1992 when he launched the new firm.

Another is Writers Guild of America, West. Segall, who shepherded guild members through a 100-day strike three years ago, described the entertainment industry as the most traditional of the firm's labor union clients, in that the focus of power is mainly through collective bargaining. But even in that area, the firm has done some nontraditional labor work, representing reality TV writers, who are not union members, in a wage-and-hour dispute over over-time pay.

David Young, executive director of WGA, West, said he's worked with Segall for 25 years, since Young headed the International Ladies Garment Workers Union and Segall was at his former law firm. When Young took over at WGA five years ago, he continued using the firm's services, but also made Segall the guild's general counsel. Young said a lot of changes were occurring during that time, and he needed key supporters in place with a broad perspective on unions, the labor movement and the political powers that shape them.

"They have a tremendously broad generalist grasp, not only of the legal elements, but of how unions function, which is probably how they have ended up in these general counsel roles," Young said.

Besides Segall's double role as general counsel at WGA, West, the firm has become a proving ground of sorts for other lawyers. Rothner doubles as general counsel of the SEIU-United Healthcare Workers, a 150,000-member statewide union. Emma Leheny, a former Rothner partner, recently left the firm to take over as chief counsel of the California Teachers Association, another Rothner client.

Rothner said it is unusual for a small, local law firm to produce general counsels of some of the nation's largest labor unions.

The lawyers also serve as advisers to the various unions, helping them revise their bylaws and plan other governance activities.

"It's tremendously gratifying to work with union employees who volunteer their time to the union and become leaders ... and have them realize they have the skills and ability to sit across the table from their employer and have an influence on working conditions," Greenstone said.

In keeping with the democratic philosophy of its labor union foundation, the firm has no managing partner. The partners instead employ a collaborative approach to resolving issues of concern.

"We practice what we preach here," Rothner said. "We believe in workers' rights. We believe in equality and justice, and we believe that among partners, we should operate by consensus and collaboration. We don't have a hierarchy."

The democratic worker's spirit is also reflected in their decidedly unconventional law office - a 1916 two-story, Craftsman-style bungalow listed on the National Register of Historic Places that they bought during the last real estate downturn. The building is particularly fitting, since it represents the mid-19th century architectural movement of providing a better environment for working people by showcasing the integrity of the worker's craft and the materials used.

It's the polar opposite of the high-rise where Rothner worked before launching the firm, and represents the type of environment he envisioned while still in law school.

### Labor of Love

Rothner, Segall & Greenstone of Pasadena uses a creative approach to tackling union matters and other cases.

### Investments

#### TCW Sues Former Officer, Again

Bad blood between Trust Company of the West and its former chief investment officer Jeffrey E. Gundlach is continuing as TCW has filed a second lawsuit against a Gundlach-related entity.

### Large Firms

#### Start-up Incubator Defends Blacklisting

Gunderson Dettmer Stough Villeneuve Franklin & Hachigian came under fire this week when a prominent startup incubator, The Founder Institute, made the firm the first entry in its newly launched "blacklist."

### Entertainment & Sports

#### Judge OKs MGM Bankruptcy

Metro-Goldwyn-Mayer's Chapter 11 reorganization plan received approval from a New York judge, allowing the movie studio possibly to emerge from bankruptcy by the middle of this month.

### Construction

#### AG: Conflicts on High-Speed Rail Board

California Attorney General Jerry Brown said in a Nov. 30 opinion that Anaheim Mayor Curt Pringle and Los Angeles County Metropolitan Transportation Authority board member Richard Katz's positions on the California High-Speed Rail Authority

### Large Firms

#### Cooley Veteran Departs For Hogan Lovells

Cooley veteran Laura Berezin jumped ship to join Hogan Lovells in Palo Alto on Wednesday.

### Judges and Judiciary

#### Governor Appoints Four Judges

The governor appointed handful of judges this week.

### Bar Associations

#### Public Defender to Head Bar Association

For the first time in 40 years, a public defender is poised to become president of the Charles Houston Bar Association, an organization that represents African American judges, lawyers and law students in Northern California.

### Letter to the Editor

#### Asset Planners Should Take Heed

Henry S. David writes in response to the article, "The Emotional Consequences of Asset Protection."

### Litigation

#### Juror Privacy in Criminal Trials Involving Self-Represented Defendants

California's jury policy raises serious questions about juror privacy in the courtroom. By David Finley of Chapman University School of Law.

### Perspective

#### Sell the Result

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When people would ask him what kind of law he was going to practice, he'd jokingly say he was going to work in a place where the windows opened.

Growth for growth's sake is of no interest to the lawyers. They have plenty of work from longtime clients, referrals and word of mouth. They don't use any sort of outreach or advertising. It doesn't suit their model, they say. The firm's niche and creativity keep it in a strong position.

"The labor movement is not growing like high tech," Rothner said. "It's not an explosive field. We realize that we're never going to be huge. That's one of the things we like about it."

#### RELATED ARTICLES

##### **Fired Court Spokesman Hires Law Firm**

November 23, 2010

Former Los Angeles Superior Court spokesman Allen Parachini has tapped a Pasadena union-side labor law firm.

##### **Health Care Vote Rattles SEIU**

September 14, 2010

As thousands of Kaiser health workers cast a vote starting this week on whether to switch to a rival union, lawyers for both sides disagree on whether it could imperil important bargaining victories at the HMO.

##### **Screenwriters Deal Approved**

June 9, 2010

The settlement between screenwriters and the Writers Guild of America West ends a five-year legal battle involving tens of millions of dollars in revenue from foreign distribution levies.

##### **Judge Gives Preliminary OK to Writers' Settlement**

October 2, 2009

A judge has given preliminary approval to a settlement between screenwriters and the Writers Guild of America West over tens of millions of dollars in revenue from foreign distribution levies that were never paid out.

##### **He's Hoping a Strike Stays Out of the Script**

August 27, 2007

Lawyer Tony Segall is in the midst of negotiations with studios and is hoping for a happy ending for script writers.

##### **Trial Starts Over Legality of San Diego City**

October 30, 2006

##### **Employees' Retirement Benefits**

SAN DIEGO - Since he became San Diego's city attorney two years ago, Mike Aguirre has been saying that retirement benefits for municipal employees were illegally granted as part of a secret deal.

##### **'Cupertino' Makes Enforcing Arbitration Easier for Unions**

August 30, 2005

Focus Column - Labor - By Bernhard Rohrbacher - The right to have grievances heard by an arbitrator rather than by a court is so important to unions that they are willing to give up the right to strike in exchange. See California State Council of Carpenters v. Superior Court, 89 Cal.App.3d 144 (1970) (no-strike clause is quid-pro-quo for arbitration provision); Butchers' Union Local 229 v. Cudahy Packing Co., 66 Cal.2

##### **City Cannot Finance Treasurer's Defense**

September 25, 2002

LOS ANGELES - A Los Angeles judge has barred the city of South Gate from continuing to finance the city treasurer's defense against criminal charges that he made threats against two state legislators.

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A new lawyer's guide to building relationships, and their careers, with seasoned attorneys. By **Marc Garfinkle**.

#### **Insurance**

##### **Shedding Light on An Insurer's Duty to Defend**

The state Supreme Court explains what triggers an insurer's right and duty to defend any suit. By **Richard C. Giller** of Alston & Bird.

#### **Law Practice**

##### **The Mindful Lawyer: Not Your Usual Law Conference**

A recent conference focuses on finding a harmonious balance in the practice of law. By **Timothy Tosta** of Luce Forward.

#### **Alternative Dispute Resolution**

##### **An Agreement to Arbitrate: When Multiple Parties Are Involved**

Parties to multiple contracts should carefully review the terms and check for consistency. By **A. Marco Turk** of CalState University Dominguez Hills.

#### **Judicial Profile**

##### **Thomas J. Borris**

Superior Court Judge  
Orange County (Santa Ana)

#### **ADR Provider**

##### **Terry Friedman**

JAMS mediator Terry Friedman has been known to chase litigants into the parking garage to get them to settle a case.

#### **Intellectual Property**

##### **Rambus Files New Patent Claims Against Technology Companies**

Sunnyvale-based chip designer Rambus Inc. launched another legal assault against technology companies it accuses of infringing its patents used in products ranging from mobile phones to personal computers.

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