

## Willingness To Stay the Course Tested

Pat Wechsler, The National Law Journal

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David Sanford, chairman and a founding partner of Sanford Heisler.

In the post *Wal-Mart Stores Inc. v. Dukes* world, many plaintiffs law firms avoid the risk of class actions, particularly those based on employment and gender discrimination claims. Sanford Heisler Kimpel isn't one of them.

Despite the difficulty getting classes certified following that 2011 U.S. Supreme Court decision, Sanford Heisler scored a string of successes in 2014. Among its more notable victories was its innovative use of the Equal Pay Act to win certification for a 9,000-strong class of current and former female employees of KPMG LLP. The case is being litigated before Judge Lorna Schofield in the Southern District of New York.

"KPMG is a great example of how long and how hard plaintiffs have to fight these days to make headway on class cases," said partner Kate Kimpel, lead counsel in the litigation. "The case has been pending for years, and both Sidley Austin and Ogletree Deakins, representing KPMG, have been throwing tremendous resources at it to make it go away, using really exhaustive motions to dismiss and aggressive fights over every small discovery issue along the way. That we've been able to overcome those challenges and establish really good law for plaintiffs elsewhere who might be facing the same kind of opposition makes this case worthy of recognition."

Sanford Heisler, focusing on civil rights and public interest class actions, and with offices in New York, San Francisco and Washington, has won class certification in a host of employment discrimination and wage-and-hour violation actions, including claims against Ma Laboratories Inc. and Daiichi Sankyo Inc.

"This is a tenacious firm, a worthy opponent," said Michael Burkhardt, a partner in Morgan, Lewis & Bockius' labor and employment practice who has faced off against Sanford Heisler in more than 15 cases. "Not many firms will take on these types of cases in the current legal environment, [but] Sanford Heisler continues to pursue class cases."

The firm has attracted not just top-drawer lawyers; it has attracted practitioners committed to the issues the firm litigates, Kimpel said.

"Our lawyers have a real heartfelt passion for these issues, for fighting in the case of KPMG for women and for fighting to break down the glass ceiling," she said. "That creates something very special. It creates those David and Goliath moments where David still has a chance to succeed."

The KPMG case is now close to four years old, but it's not the oldest on Sanford Heisler's books. That distinction goes to a class action filed in 2004 on behalf of African-American U.S. marshals, which was among the first cases Sanford Heisler took on when it opened its doors that same year.

"Now, we're going on Year 11 and it may still require a few more years," partner David Sanford said. "If you're thinking about what differentiates our firm, what in our minds within the firm makes us special, one of the key considerations has to be our willingness to stay the course and do whatever it takes — even if that means a commitment of more than a decade."

## Trial Tips

- ▶ Everyone knows the key to success in the courtroom is preparation. When you have to be “on” 24/7 in front of a jury, you can’t ever be lost.
- ▶ Force yourself to be concise and keep your examinations as focused as possible.
- ▶ Convey your passion. You have to make it clear to the jury how much you believe in your client and your client’s case. If you aren’t invested, the jury won’t be.

—David Sanford

## Firm Facts

**Founded:** 2004

**Based:** New York, San Francisco, Washington

**Total attorneys:** 32

**Partners:** 10

**Associates:** 14

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