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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



KAREN L. CORMAN

SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP

Los Angeles

Specialty: Wage-and-hour matters,
discrimination, harassment,
compliance

Corman devotes much of her time trying to keep her employer clients out of the soup.

"My favorite cases are the ones that have never been filed," she said. "The employers we work with are fairly sensitive to dealing with employees and managing situations well. But many times you can see the claim coming and there is an opportunity to get out in front."

One option, she said, is to try to determine what each of the parties wants, and work to resolve those amicably.

"In other cases, the best you can do is to try to position yourself to defend it, because the employee isn't going to be deterred," she said.

Corman said that her ratio of resolving the disputes is about 80/20. In those that can't be resolved, the common thread usually is money.

"Those are the ones with outside counsel involved, and they are less about interpersonal relations and more about just dollars and cents," she said. "With wage-and-hour claims oftentimes, the plaintiffs are not interested in resolving these up front. The money comes from filing class actions."

For people issues, Corman said that she prefers to mediate between the two parties and work out the problem before it goes too far.

"Often, the employee genuinely feels hurt or mistreated, and the employer has the viewpoint that they've bent over backward to accommodate the employee," she said. "In those situations, it's much easier to find a solution, because both parties want a solution."

Sometimes, Corman said, the employee ends up staying on the job.

"Those are particularly satisfying outcomes," she said.

But, Corman added, sometimes it's too late to repair the damage.

"It's like a marriage," she said. "If you catch the problem early enough, you can help them move on harmoniously. But, if there is too much water under the bridge, it's about help-

ing them separate successfully."

Among her significant work over the past 18 months, Corman advised Long Beach-based HCP, Inc. in the labor and employment aspects of its \$6.1 billion acquisition of the real estate assets of HCR ManorCare Services, Inc., a health-care services and facilities provider.

She also advised HCP in the concurrent acquisition financing, which included an approximately \$1.5 billion primary offering of common stock and a \$3.3 billion bridge loan, considered the largest lease transaction ever in the United States, and the largest follow-on offering ever by a real estate investment trust, according to Skadden.

Among the challenges facing employment lawyers these days is one that is not new, but ongoing, Corman said, with legislators and regulators "increasingly tending to make employers the vehicles or agents for social policy."

"We're seeing that now with the immigration area," she said.

Years ago, it was about providing protections for the disabled and families in need of medical leaves, Corman said.

"Employment law continues to be an area where law is being used to produce social policies," she said. "People spend a large part of their lives in the workplace and it's probably necessary to use the workplace to help mold our goals and our ideals as a society."

— Pat Broderick