

TOP ATTORNEYS

If you're a corporate executive and you've just been fired from your job, whom would you want to represent you? If you were the corporation, who would be the best choice to defend you?

The Recorder has surveyed the opinions of some 25 attorneys, judges, mediators and clients knowledgeable about employment law. Today we present their consensus choices for the Bay Area's

premier employment law attorneys. It is one in a series of the newspaper's Top Attorneys special reports.

Topping the list are Orrick, Herrington & Sutcliffe's Lynne Hermle; Wilson Sonsini Goodrich & Rosati's Fred Alvarez; Rudy, Exelrod & Zieff's Mark Rudy and McGuinn, Hillsman & Palefsky's Cliff Palefsky.

FRED ALVAREZ

Fred Alvarez proves that nice guys don't always finish last. Lawyers, judges, mediators and clients all speak of his ability and his integrity.

"Fred is an honorable guy," says one plaintiff's attorney. "He's very knowledgeable and very experienced. I trust Fred. I trust him a lot."

Alvarez is the head of Wilson Sonsini Goodrich & Rosati's employment law group. When a big Silicon Valley corporation has a sticky employment issue, Alvarez says, "They call Larry [Sonsini] and say, 'Get me your guy.'" Alvarez is the guy.

There is a perception in some quarters that the soft-spoken, gentlemanly Alvarez isn't interested in trial work. "Fred's got spunk and a spirit," said another plaintiff's lawyer, "but I don't think he's looking to kick anyone's ass at trial anymore."

Actually, though, Alvarez, 54, tried two cases last year. One ended in a defense verdict, Alvarez says, and the other came out even better — a \$1 million verdict for Alvarez's client on a cross-complaint.

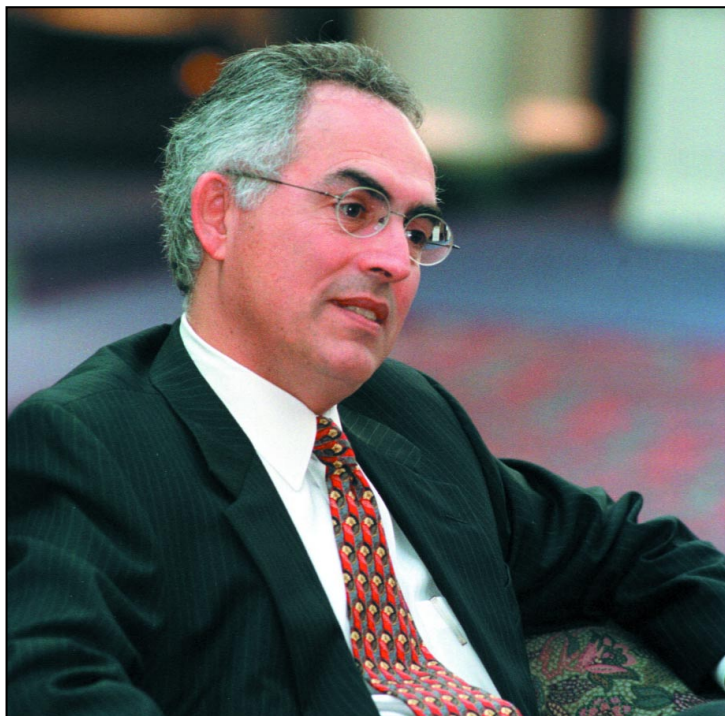
"I won my first plaintiff's verdict," Alvarez beams. He does not describe it as an "ass kicking."

Alvarez, originally from Las Cruces, N.M., graduated from Stanford Law School and began his career as a National Labor Relations Board lawyer, working to protect employee rights. After leaving the government, he worked briefly as a securities lawyer, then established an employment practice in New Mexico.

He served for four years as a commissioner of the Equal Employment Opportunity Commission under President Reagan and then EEOC Chairman Clarence Thomas. "I'm very proud of what I did at the EEOC," Alvarez says. "Everyone expected us to turn out the lights. But we didn't. We made it more efficient and enforced the law better."

Alvarez also was assistant secretary of Labor in the late 1980s, in charge of the Office of Federal Contract Compliance Programs. His work for the government had an added benefit: learning what it means to be a manager of a large organization.

For example, "I got deposed five or six times while I was in government," he says. "So I talk to clients from the point of view of



having been deposed, rather than having taken depositions."

Alvarez relocated to San Francisco in 1989 and joined what was then Pillsbury, Madison & Sutro — the firm his mother had worked for as a legal secretary when Alvarez was a boy. In 1999 he was given the opportunity to launch Wilson Sonsini's employment group. It has since grown from three lawyers to 19.

Today much of Alvarez's work involves guiding clients through audits and other regulatory work conducted by his former agencies.

"His relationship with the agencies is very good," says one client, an employment lawyer at a Fortune 500 company. "They know him and respect him. And he knows how the agencies work."

Alvarez admits, though, that he wonders sometimes if he's too nice. "A lot of people in employment law market themselves as the baddest son of a bitch on the block," he says. "If we end up in front of a jury, and I'm the baddest son of a bitch on the block, then my client looks like the baddest son of a bitch on the block."

In the end, his feeling is, "I'll be the lawyer. You be the client. Look at my results."

— Scott Graham

EDITOR'S NOTE

Today's special report marks *The Recorder's* second survey of top attorneys in the Bay Area.

In November, we presented a few top attorneys in 10 practice areas, including bankruptcy, admiralty, securities litigation and family law, among others.

This year we are taking a different approach. Each quarter we will shine a spotlight on a dozen or more of the top attorneys in a single practice area.

Today we are looking at employment law. To determine the names, *The Recorder* interviewed some 25 attorneys, mediators and corporate clients — most of whom are exceptionally knowledgeable about employment litigation. We asked them, quite simply, who stood out from the pack. (For the purpose of this survey, to maintain an apples-to-apples comparison, we did not inquire about labor lawyers who focus primarily on collective bargaining and NLRB issues.)

We considered any employment lawyer based in the Bay Area — which created a challenge inasmuch as employment law in San Francisco-Oakland is a different animal from employment law in Silicon Valley-San Jose. Most of the attorneys featured on the following pages have made names for themselves in both markets.

One other bit of feedback is worth noting. Almost to a person, the attorneys and jurists interviewed for this article remarked on the collegial nature of the Bay Area's employment bar. Plaintiffs and defense lawyers alike expressed admiration and even affection for the people they do battle with in court or across a conference table — at least, the people mentioned on these pages.

Cliff Palefsky, who along with Mark Rudy received the most votes for top plaintiff employment attorney, analogizes to the stereotype of physicians' social skills. "There are surgeons and there are pediatricians," he says. In the Bay Area,

"commercial litigators are surgeons. Employment lawyers are pediatricians."

Palefsky also notes that with the cost of trying cases approaching as much as \$500,000, there's a lot of incentive for lawyers to get along with each other and find a middle ground.

Most of the people interviewed for this report said the atmosphere is different in Southern California, where bravado and hardball permeate the employment bar. One plaintiffs lawyer recalls enduring a 15-day deposition there, even with a referee present. "It's a much more contentious relationship" in Southern California, says a defense lawyer.

Plaintiff and defense lawyers alike say that the boom in employment litigation over the past quarter-century has had benefits for California. Both sides say that big employers have heard the message and have developed a more professional approach to human resources, which has been good for business and for workers.

Of course, plaintiffs lawyers say there are still some abuses, and defense lawyers say there are still litigation excesses.

We hope you'll enjoy our look at top employment attorneys. Later this year we plan similar features on real estate lawyers, insurance attorneys and life sciences counsel. If there's anyone in those practice areas you would like to nominate for consideration, it's never too early. Feel free to e-mail me suggestions, or any feedback you have on today's special report. My e-mail is sgraham@therecorder.com.

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