

SAN FRANCISCO

# Daily Journal

MONDAY,  
MAY 15, 2006

Official Newspaper of the San Francisco Superior Court and United States Northern District Court

—Since 1893—

## Industry Watch

### Morgan Lewis Launches Labor Group in Orange County

By **Tamadhur Al-Aqeel**  
Daily Journal Staff Writer

Anticipating a growth spurt in Orange County, Morgan, Lewis & Bockius is launching a labor and employment group in Irvine.

Morgan Lewis lured Peter Hurtgen back to the firm to lead the Orange County group after stints as chair of the National Labor Relations Board and director of the Federal Mediation and Conciliation Service. Anne Brafford has moved to Orange County from the firm's Los Angeles office, and the firm added Barbara Miller to join as of-counsel from Paul, Hastings, Janofsky & Walker's Costa Mesa office. Associate Jesse Randolph joined the firm from Rutan & Tucker.

"To us, it looks like an exciting time in Orange County," Brafford said. "It has the fastest-growing economy. It's the second-most-populated county in the state. It's well-matched to the businesses."

Hurtgen said it was a no-brainer to return to Morgan Lewis, and his wife really wanted to live in Southern California.

"I was a labor attorney for 30 years before I joined the NLRB [in 1997]," he said. "So I'm just returning to what I was doing before."

But a lot has happened to Hurtgen between his time at Morgan Lewis in Miami and Washington, D.C., and Morgan Lewis in Irvine. He mediated two of the biggest labor strikes at the beginning of the millennium. The ports and supermarket strikes are what first brought him to California in 2002.

"It was challenging and difficult," he said, "because the positions of the parties in both cases were seemingly intractable."

The biggest challenge during the supermarket strike in 2004 was that, as the strike went on, each side wanted compensation for either profits or wages lost.

"When either side thinks that way, all you get is another day of strike," he said.

Hurtgen had to convince the parties what they needed more than payment was a settlement.

"If you find yourself in a hole," he said, "the first thing to do is to stop digging."

The ports strike in 2002, which impacted 29 ports for 10 days, was very different. Some 82 employers made up the Pacific Maritime Association and were in talks with union representatives along the West Coast.

"So you had bargaining between 35-to-40 different people on each side," he said.

There were just three employers at the table during the supermarket strike.

But in each case, Hurtgen's strategy was "building little resolutions of small issues and understandings and compromise until you build a larger edifice on top of which you can stand and say, 'OK, let's put this all together.'"

Now that he's back in private practice, Hurtgen said he's very busy.

"The employment base in Orange County is growing significantly, and that means there's a need for labor and employment law specialists," he said.

"It's really, I think, an inviting jurisdiction to expand our practice into."

Hurtgen declined to name his clients but said



Robert Levins / Daily Journal

Attorneys, from left, Jesse Randolph, Anne Brafford, Barbara Miller and Peter Hurgten of Morgan Lewis are launching a labor and employment group in Irvine to accommodate population growth in Orange County.

### Labor Litigator Switches to Morgan Lewis

By **Tamadhur Al-Aqeel**  
Daily Journal Staff Writer

LOS ANGELES — Veteran labor and employment litigator Barbara Fitzgerald has joined Morgan, Lewis & Bockius as a partner in Los Angeles from Seyfarth Shaw.

Fitzgerald's practice focuses on a range of areas, primarily in the entertainment industry. She has taken 12 cases to jury trial.

In one recent case, a client "had an employee leave for work on a Friday and threaten to come back with an AK-47 on Monday," she said. "He came in Monday, and as he was led away in handcuffs, he said he was only joking." He sued for wrongful termination, but Fitzgerald persuaded him to drop the case.

Among her clients, who are moving with her, are Playboy Enterprises, Spears Manufacturing Co. and Nu Image.

Any suing bunnies?

"They're called Playmates," she laughed.

"They have a wonderful record with their em-

ployees; they don't keep me all that busy."

Fitzgerald was at Seyfarth Shaw for more than 10 years.

"I certainly have left behind family and friends there," she said. "I just moved my partnership and association from one fine practice to another, where I think it will grow."

Morgan Lewis has an entertainment group, "so my practice fits in here very well," she said.

Right now she's working on a firm initiative to "attract and serve the entertainment industry."

"There is a definite synergy here that they are all driving in the same direction in fulfillment of that vision," she said.

Fitzgerald joins the firm as it moves to bulk up its labor and employment practice, which now has 50 lawyers statewide.

Morgan, Lewis & Bockius has more than 1,300 attorneys in 21 offices internationally.

Seyfarth Shaw has more than 650 attorneys in 10 offices in the U.S. and Brussels, Belgium.

a major role he plays with companies is advising them on their compliance with federal and state laws before a legal conflict arises.

Anne Brafford has been with Morgan Lewis for seven years. For her, it's a new office and a new market.

For Barbara Miller, the move is a new firm but not a new practice. Miller said the appeal of Morgan Lewis was "to be able to move into something new in Orange County." "There's a lot of energy and talent here," she said. "It's a great growth opportunity."

All of Miller's employment clients are moving

with her, though she did not want to elaborate. Miller, who specializes in wage-and-hour class actions, has been a labor and employment lawyer for 12 years.

"It's a really fun area of law," she said. "The issues are changing; there are emerging areas."

Morgan Lewis has more than 1,300 lawyers in 21 offices worldwide. The labor and employment group has more than 50 lawyers in California, with offices in Irvine, Los Angeles, San Francisco and Palo Alto.

Paul Hastings has 1,000 lawyers in 17 offices around the globe.