

Employment MVP: Morgan Lewis' Sarah Bouchard

By **Vin Gurrieri**

Law360, New York (December 9, 2016, 2:20 PM EST) -- Morgan Lewis & Bockius LLP's Sarah E. Bouchard guided Teva Pharmaceutical Industries Ltd. to a win over an ousted executive's claims that she was fired for cooperating in a Foreign Corrupt Practices Act probe, one of numerous wins she scored for employers in whistleblower cases that earned her a spot among Law360's 2015 Employment MVPs.

Bouchard, who practices out of the firm's Philadelphia office, helped Teva escape former finance director Keisha Hall's suit alleging that she was fired for helping the U.S. Securities and Exchange Commission and the U.S. Department of Justice investigate potential violations of the FCPA related to alleged bribes to government officials in Latin America. Hall also claimed that she was retaliated against supposedly for bringing concerns about Teva's compliance with the Sarbanes-Oxley Act to the company's attention.

But in September, Bouchard convinced U.S. District Judge Beth Bloom to award Teva summary judgment, with the judge saying that the pharmaceutical giant proved it had good reason to fire Hall for running two personal side businesses using company resources and time.

In reaching that decision, the judge applied a more employer-friendly standard to Hall's claims under the Dodd-Frank Act than the more plaintiff-friendly standard normally used in Sarbanes-Oxley cases, according to the firm.

"It was important for the firm to be very coordinated in its approach to that litigation," Bouchard said. "The client felt very vindicated by the result."

Bouchard, a 2010 Law360 Rising Star who co-leads Morgan Lewis' whistleblower practice, has spent her entire career at Morgan Lewis, joining the firm as a summer associate in 1994 shortly before she obtained her law degree from Villanova University.

In those early days, Bouchard says that she only intended to stay at Morgan Lewis for a few years before pursuing a career at the U.S. Attorney's office.



Sarah Bouchard
Morgan Lewis & Bockius

But as she settled into the firm, Bouchard felt supported by those she worked with, saying that they helped “push me to stretch my skill set and took a real interest in my development.”

Whistleblower cases, she says, were a good example of that development.

“The practice group leader when I started [at the firm] really encouraged me to learn about that area of the law before it started exploding,” she said.

Besides the Teva case, Bouchard notched another big win on behalf of Oracle America Inc., helping the technology giant defeat a suit by former executive Vincent Beacom alleging that the company flouted the Sarbanes-Oxley Act and Dodd-Frank Act by firing him after he raised concerns about a change in sales projection methods he claimed gave an unrealistic picture to shareholders. Beacom argued that his complaints qualified as protected activity.

In June, the Eighth Circuit affirmed U.S. District Judge Donovan W. Frank’s ruling from a year earlier awarding Oracle summary judgment.

Bouchard said the case was important because under the very broad standards of Sarbanes-Oxley, plaintiffs currently have a lot of room to allege a protected act, but that the judges in this case still concluded that Beacom's claims didn't merit protection.

“It was a hard-fought case that included a lot of discovery,” Bouchard said. “The individual was fired for sales performance but didn’t accept responsibility and blamed the manager.”

Speaking in general about whistleblower cases, Bouchard said she finds them interesting because of their interdisciplinary nature.

“You have to understand the underlying business or regulatory issue at stake,” she said, in addition to any legal issues that may be involved.

But aside from whistleblower cases, Bouchard also maintains a wide-ranging practice that includes representing employers in matters related to noncompete agreements, trade secrets, wage-and-hour class and collective actions and counseling them on compliance.

Bouchard says that she loves all the elements of her practice and the people she works with, but that as her career progresses she would like enhance her trial experience.

“Obviously, you want to win at summary judgment so that a trial isn’t necessary, but I would like to deepen my trial experience,” she said. “Trials don’t come about that often, but when they do there’s an excitement to it.”

--Additional reporting by Kat Greene and Jody Godoy. Editing by Stephen Berg.