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Employment Group Of The Year: Morgan Lewis & Bockius LLP

By **Beverly Banks**

Law360 (January 26, 2024, 2:02 PM EST) -- Morgan Lewis & Bockius LLP counseled UPS in contract negotiations covering thousands of workers, defended employers against discrimination claims, and advised clients on diversity, equity and inclusion, earning it a top spot among Law360's Employment Groups of the Year.

Morgan Lewis' labor and employment practice secured significant wins in 2023, including a contract deal with UPS and the International Brotherhood of Teamsters and the dismissal of a high-profile race and defamation case, while also guiding employers on DEI issues given the U.S. Supreme Court's recent affirmative action ruling.

Practice group leader Grace Speights said the breadth of the practice and collaboration across the firm differentiates Morgan Lewis.

"I would put money on it that there is no other labor and employment practice that has a practice as broad as the practice that we have," Speights said.

More than 300 labor and employment attorneys are part of the practice group, with 16 U.S. offices and 10 international offices.

Speights said the practice group is eyeing expansion in locations such as Boston, Chicago, Texas, Seattle and the West Coast.

"We don't grow for the sake of growing," Speights said, noting the practice group looks for "for great opportunities."

Practice group deputy leader David McManus said there is also a focus on how growth would "strategically fit within the services that we need to be able to effectively provide."

Morgan Lewis represented UPS in contract talks covering around 340,000 Teamsters-represented workers. The parties reached a five-year agreement over the summer, which boosted wages, guaranteed air-conditioning in delivery vehicles and included Martin Luther King Jr. Day as a full holiday.

John Ring, a partner and former National Labor Relations Board chairman, said the deal was "a very good settlement, but it did set the bar pretty high in terms of economics and kind of advances for unions."

The firm was also involved in the negotiations with the United Auto Workers and the Big Three automakers, Ring said, which resulted in a contract that also "set a very high bar."

Unions have pointed to those deals to "sell organizing," Ring said, citing the UAW's recent campaign to organize at nonunion automakers.

The practice group also counseled the United States Football League to **reach its first contract** with around 350 professional minor league athletes represented by the United Steelworkers.

Ring said the labor contract was significant, noting challenges in those negotiations such as ensuring a "league like that can be profitable while still being able to attract the talent they want."

The practice group has also counseled clients on DEI as the fallout continues from the high court's affirmative action opinion.

Emily Cuneo DeSmedt, a partner and co-leader of the firm's DEI Task Force, said Morgan Lewis anticipated the Supreme Court's affirmative action ruling and helped clients understand the effects of the decision apart from higher education.

Challenges to racial equity and DEI programs under Section 1981 of the Civil Rights Act since the ruling have increased, DeSmedt said, mentioning the practice group's representation of a major insurance company that offers \$25,000 grants to Black-owned trucking companies.

"We are partnering with a variety of clients in different sectors to just take a closer look at some of their programs and strategies, understanding that sort of the legal landscape is evolving, and so is there unnecessary risk, as I like to call it, that we can help them mitigate?" DeSmedt said.

Speights mentioned that the practice group is also conducting DEI audits of its clients, which has led reliance on other attorneys in the firm that are not part of the employment team.

After a video went viral of a white woman calling the police on a Black birdwatcher in Central Park, the practice group represented the woman's former employer Franklin Templeton.

Amy Cooper **accused** Franklin Templeton of defamation and discrimination claims over its investigation and termination of her following the viral video. A New York district court dismissed Cooper's defamation, race and gender bias allegations in 2022. The Second Circuit affirmed the district court ruling in June.

Employers were observing the outcome of the case to "see how the courts would treat this type of conduct outside of the workplace," Speights remarked, saying success in the dispute emanated from the crossover between the firm's employment and defamation attorneys.

In a proposed class action under the Uniformed Services Employment and Reemployment Rights Act, the practice group secured a summary judgment win in March for its client, Delta Air Lines.

The ruling wasn't "only a game-changing matter" for Delta, McManus said, explaining that the rest of the industry was watching since, "depending on the decision," other airlines could have faced impacts "because of the prevalence of former military pilots flying now for civil airlines."

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