

Rising Star: Morgan Lewis' Carrie Gonell

By **Melissa Lipman**

Law360, New York (March 16, 2012, 6:34 PM ET) -- After a decade of helping financial services and retail heavyweights defeat class certification in wage-and-hour litigation in New York, Carrie A. Gonell of Morgan Lewis & Bockius LLP headed west to nail California's notoriously-complex labor code and took high-profile clients like Citibank NA with her, earning her a place on Law360's list of five employment attorneys under 40 to watch.

While some young attorneys debate what area of the law to focus on, Gonell never had any question about where her career would take her.

"My dad worked for the Postal Service and was president of the union and then became a manager. Those kind of management labor relations issues were something I grew up with," she said. "The spirit of labor relations ... was always interesting to me."

That lifelong interest is part of what led the 38-year-old partner to Morgan Lewis to begin with, first as a summer associate in 1997 and then joining the New York office full time the following year.

Over her years in New York, Gonell gradually amassed expertise representing two of the city's most prominent sets of employers — banks and retailers — in Fair Labor Standards Act suits, like a purported nationwide collective action against Electronics Boutique.

In that case, Gonell, who was still an associate at the time, co-led the defense team with partner Sam Shaulson and helped convince a judge in the Western District of New York to deny class certification in late 2005.

As a senior associate, Gonell faced one of her biggest challenges yet when she moved to the firm's Irvine, Calif., office in 2007, working to master one of the country's most stringent labor codes and taking the bar exam for a second time.

"I sat for the bar exam in summer of 2007, which is a totally different experience when you've been practicing for more than a decade when you do it," Gonell said. "I'd worked on some cases with California law components when I was in New York, but there really ... are so many intricacies to the California labor code that developing a subject matter expertise in the issues you're litigating in California is really important."

The litigator lost no time diving into the state's labor statutes, and a string of successes representing Citibank and JPMorgan Chase & Co. soon followed.

Gonell led the defense team for JPMorgan in a case in the Southern District of California challenging the company's decision to treat its loan officers as exempt from the FLSA's overtime requirements. In April 2008, a judge agreed that the plaintiffs could not show that the claims were ripe for class treatment just because all of the employees were classified under the same job title.

When the bank faced similar claims a few years later in Illinois federal court, it once again turned to Gonell and her colleagues, who defeated conditional certification of a nationwide class of loan officers in part by citing the California decision and by submitting declarations from other loan officers showing the variety of duties that fell under that single job title.

"A lot of the success that I've had ... really go towards being able to marshal the evidence necessary to be able to demonstrate that a court ... may be able to adjudicate your claim but that doesn't mean it can adjudicate my claim even though we have the same job title," Gonell said.

Some of Gonell's other biggest cases have involved cutting-edge questions about the application of California's labor rules.

She was a key member of the team that has represented the Securities Industry and Financial Markets Association for several years on wage-and-hour issues in the financial services industry.

The group crafted arguments that SIFMA filed in a dispute between Citigroup Inc. and a former employee over whether the company's voluntary incentive compensation plan offering reduced-price restricted shares of company stock in lieu of cash violates California labor law.

In 2009, the high court backed Citigroup and SIFMA's positions and nixed the case.

Gonell's brilliance and adaptability in and out of the courtroom go a long way toward explaining her success, according to Morgan Lewis labor and employment practice group leader Joseph J. Costello.

"Her hallmark is her ability to adapt her litigation strategy to the client's business objectives," Costello said. "She can be creative and conciliatory when settlement is the objective, but she can be a real bulldog when the client's objective is to win."

And for proof of her popularity with clients, one need only compare the companies she worked with in New York to those she has handled since heading to Irvine.

"Before she went to that office she was doing a lot of work for JPMorgan Chase, Citigroup and GameStop, to name three, and to me the best evidence of how much they respect her is she goes to the West Coast, takes the California bar, passes the California bar and does not miss a beat and those clients continue to send her litigation," Costello said. "Obviously the best evidence of your success as a young partner is that clients keep coming back to you, and they keep coming back to Carrie."

--Editing by Andrew Park.