

CHICAGO LITIGATION DEPARTMENTS OF THE YEAR

A SPECIAL REPORT

The National Law Journal spotlights seven law firms with Chicago-based lawyers that demonstrate excellence in litigation and in five key practice areas: mass torts/products liability, intellectual property, labor & employment, insurance and white-collar defense. Lawyers represent an automaker in high-stakes ignition-switch litigation (the plaintiff in the first bellwether trial dismissed his case). They defeated the first concussion class action in the nation against a statewide high school athletic association. And they helped a tobacco manufacturer reach an agreement that resolves claims against it in a federal court, among other notable developments. Read more about top practices in the Windy City here.

MORGAN, LEWIS & BOCKIUS

LABOR & EMPLOYMENT

Talk about a strong finish. In December, the labor, employment and benefits group in Morgan, Lewis & Bockius' Chicago office took home two major wins in federal court for clients facing class action challenges in the banking and education sectors.

Partner Sari Alamuddin led both defenses. Alamuddin drew on his deep experience in the labor and employment spaces to find creative, winning strategies.

In *Russell v. Citigroup*, two named plaintiffs sought class certification in the Eastern District of Kentucky for themselves and for thousands of fellow Citigroup call center workers to recover what they claimed to be unpaid wages for time they spent booting up their computers, logging into programs and other tasks related to their on-the-clock work.

"It's a tough claim to defend against because the procedures apply to everybody, so it's fairly easy to certify," said Alamuddin, who defended Citigroup with fellow partner Chris Boran. In mounting a defense, "we tried to dissect this piece by piece," he said.

They convinced the judge to compel one named plaintiff into arbitration. And after the U.S. Court of Appeals for the Sixth Circuit in 2014 decided the other named plaintiff could avoid arbitration, Alamuddin convinced the judge to throw out all of the remaining plaintiff's claims

except for the one which the plaintiff had not sought certification, and another the judge found too "nebulous" to apply classwide.

This ruling, which came down on Dec. 22, effectively ensured the matter will be resolved in arbitration and out of court.

Just days before that ruling came down, Morgan Lewis secured summary judgment for Career Education Corp., a for-profit college operator, in a putative class action by a former admissions representative.

The plaintiff sued Career Education after it terminated a bonus payment program for recruiting and retention five months before the U.S. Department of Education's July 2011 deadline to phase out such incentives.

After the Seventh Circuit resurrected half of the plaintiff's claims that the Northern District of Illinois in 2012 had dismissed in *Wilson v. Career Education*, Morgan Lewis, on remand, convinced opposing counsel to proceed to the merits of the case against the company rather than start with class certification and discovery.

"I think they thought they were going to survive summary judgment and that would put a lot of pressure on us ... but we knew the record and we knew the facts a lot better than the plaintiff did," Alamuddin said.

The case is now on appeal and, "this time we have a complete record so we're quite confident in our chances there," Alamuddin said.

In October, Alamuddin and Boran won summary judgment in *Hollins v. Regency*, a case that put the client's business model at stake when a class of 30,000 cosmetology students claimed they were Regency salon employees covered under the Fair Labor Standards Act.

Finding for Regency, the judge found the plaintiffs' services were educational in nature and mooted the class.

Alamuddin credits his group's success to its breadth, depth and collegiality.

"We have the specialists and the generalists. We have people who like to work with each other. We have our local clients that we represent, but we also are the hub for all the Midwest for national clients as well," he said. —MIKE SACKS

Correction: The original version of this story misreported the amount of time Sari Alamuddin has been with Morgan, Lewis & Bockius LLP. Alamuddin has been with the firm since 2005. The story also said that Morgan Lewis attorneys tried the case of *Russell v. Citigroup, Inc.* and that it was appealed to the U.S. Court of Appeals for the Seventh Circuit. The case did not go to trial, and the U.S. Court of Appeals for the Sixth Circuit — not the Seventh Circuit — heard an interlocutory appeal.



SARI ALAMUDDIN

"KEYS TO SUCCESS"

"Excellent client service, creative thinking, teamwork and leveraging your internal depth and expertise," Alamuddin said. "You should always be thinking of what the client wants and how you can achieve it, and you should never assume you have all the answers." Also, "surround yourself with team players and be open to give and take, all of which will make you a better lawyer." —SARI ALAMUDDIN