Lee R. Feldman

FELDMAN BROWNE APC
SANTA MONICA

Lee R. Feldman opened the doors to his employee rights boutique in 1998, joined by law partner Gina Browne in 2003. He'd been working for a personal injury lawyer when he came across an employment case.

"It was an early sexual harassment suit against a big corporation. I realized I really liked fighting for the underdog over issues larger than one individual case," he said. "Individuals can feel powerless, but we can help them even the odds. And we get to go toe to toe with big law firms. Our motto has always been, 'We fight every case like it's our only case.'"

Feldman litigated on behalf of the victims of sexual abuse and harassment, especially in the corporate setting, long before the #MeToo movement arrived.

In early June, Feldman was prepping for trial on behalf of a woman who was allegedly sexually assaulted and harassed by a manager twice her age at an upscale gym chain. The defendant is the chain's parent company. *Wright v. Equinox Holdings Inc.*,19 STCV09937 (L.A. Super. Ct., filed March 22, 2019).

Though he cautioned that a settlement remained a possibility, Feldman was ready to take to court the #MeToo-era case. It involved unwanted touching, demeaning treatment and sexual propositions. Along with his client, the manager also allegedly assaulted other young female employees. Feldman has had the case for years.

He said that the movement against sexual abuse and harassment remains very much a force, despite what some view as a setback following the outcome of the Johnny Depp-Amber Heard defamation litigation.

"The lack of witnesses for Amber Heard doomed her case," Feldman said. "An unintended consequence of #MeToo is that juries now expect witnesses to testify because harassers rarely have just one victim. The perception is that if you are a harasser, you've done it before, and that will come out in court."

What's concerning about the Depp-Heard case, he said, is its potential effect on victims. "It may chill the willingness of women to come forward and risk a defamation claim. There's the litigation privilege, but you might fear being penalized for complaining internally at your company. That could create a Catch-22 situation."

– JOHN ROEMER

TOP LABOR & EMPLOYMENT LAWYERS 2022

Gina Browne

FELDMAN BROWNE APC
SANTA MONICA

In sixth grade, Gina Browne gave up gymnastics to take an after-school law class. Now, after nearly 20 years in practice, she's found a way to combine athletics and litigation.

She's a name partner at her plaintiff-side employment law firm, Feldman Browne APC, and an accomplished Ironman Triathlon competitor who plans to enter a 70.3 half-Iron event in Idaho in late June and the world championship 70.3 race in St. George, Utah, in October.

"You have to be super focused and disciplined to train for Ironman, just the way you have to approach litigating cases," Browne said.

She developed an affinity for employment law after working in the entertainment industry and seeing the effects of mass layoffs, age discrimination against writers and other abuses.

"Entertainment lawyers were writing contracts, but employment lawyers were meeting people and telling their stories," Browne said.

She evolved her practice to where she's now a sought-after speaker and a presenter and trainer at the California Employment Law Association Trial College.

When courts were closed and cases scarcer during the pandemic, she revived her multisport skills by running, cycling and swimming with a local triathlete club. With cases again on the rise, she recently worked with a client who also faced challenges working from home.

"She's a young woman new to the workforce who got rave job reviews and bonuses until she learned that she had a right to reimbursement of expenses for working from home during Covid," Browne said. "She sent a polite email asking to be repaid for the desk she had to buy and for telephone and computer expenses. And boy, did she get a reaction."

Officials at the woman's company, which Browne declined to name, discussed at length how they would plot and plan against her. The woman discovered audio recordings of the retaliatory conversations because she was tasked with administrative duties that included maintaining the company's communications system.

"Then they fired her for listening to confidential conversations, but we were prepared to show that everything that was recorded was prefaced by a warning that it was going to be recorded," Browne said.

The case settled in mediation before Browne had to file a complaint. Another driver of the settlement, she said, was the new Labor Code section 1102.5, which authorizes courts to award attorney fees to successful whistleblower plaintiffs.

"That law makes employers take these cases a lot more seriously," Browne said.

– JOHN ROEMER