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## Class-action suits being filed in record numbers

Catherine Hagen, an employment discrimination attorney and a partner at Los Angeles-based O'Melveny & Myers, said class-action lawsuits are on the rise, especially in the employment arena.

"Class-action lawsuits are being filed in record numbers to address discrimination practices in the workplace, particularly sexual harassment and alleged illegal wage and hour practices," Hagen said.

Courts are struggling to determine which cases should be treated as class action, Hagen said. More than ever, she cautioned that employers must be vigilant in monitoring their policies and procedures to prevent creating a hostile work environment to women and minorities.

Overtime disputes also have moved into the class-action arena. Hagen cited recent cases against department stores and fast-food chains revolving around allegations that employers misclassify hourly workers as assistant managers, making them exempt from overtime even though they routinely work more than eight hours a day. These cases can be particularly troublesome because companies lack adequate records to disprove the claims.

Increasingly, employees are attaching invasion of privacy claims to discrimination, wrongful discharge, breach of contract or other employment claims. They also are suing for defamation when someone within the company discloses information from their personnel file to a prospective employer or to their co-workers.

Refusing to give more than the dates of hire and position at the time of termination may not protect employers from litigation, she said.

A recent survey from the Society for Human Resource Management showed that sexual harassment complaints had doubled between 1995 and the first nine months of 1998. Now a new trend is gaining momentum, Hagen said, one in which the person accused of harassment also files a claim for unlawful discharge.

"I call it the baloney syndrome," Hagen said, "when a company is sandwiched between lawsuits on both sides of the sexual harassment case."

While public policy has provided the framework for a safer, more equitable workplace, it also has opened the floodgates to both legitimate and frivolous lawsuits, Hagen said.

"Employers large and small must be constantly vigilant, ensuring that policies and procedures are clearly communicated and enforced if they are to protect themselves from future liability and headaches," she said.

### JUDGE ADDRESSES GRADUATES

Owen Panner, U.S. District Court judge for the District of Oregon, will address 170 graduates of Lewis & Clark Law School on May 29.

President Jimmy Carter appointed Panner to the court in 1979. Prior to his judicial appointment, Panner worked for 30 years



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in 1973 from the American Board of Trial Advocates.

Panner is a life trustee of Lewis & Clark College and a member of the law school's board of visitors.

### BABIES, BRIEFS AND PARALEGALS

Williams & Troutwine won an honorable mention in the Families in Good Company Awards. Oregon

companies that do the most to help their employees balance life at the office and at home were recognized in the third annual awards.

William and Troutwine, which includes four attorneys and 16 staff members, strives to provide a workplace that promotes commitment to long-term relationships and family.

They have a policy that any staff person who has a problem with daycare is free to bring his or her children to the office. To support this policy, W&T has bought cribs, and wind-up swings and new mothers were provided quiet offices to work in as well as care for their babies.

The firm also provides on or near-site child care, resource and referrals, a consortium child care center, before and after school programs, subsidies for sick care, summer holiday care and lactation rooms.

Members of the firm also have submitted articles to journals encouraging family-friendly practices, offering suggestions and solutions to help make it work for others.

Doreen Olson, office administrator, said it all started awhile back, when she was a paralegal working for W&T, and she had a baby. Two weeks after she had given birth, she was needed back in office for a trial. W&T was involved in breast implant litigation at the time.

"Rather than have her try and find day care for this newborn baby, we decided she should bring the baby to work," Olson said. "We got everything you could think of for the baby; a crib, swing and a quiet office. It turned out to be such a delight. Everybody kind of chipped in and took turns being a surrogate parent to little baby Rosie.

"Before long, there were four or five babies in the office. Luckily, none of them were too fussy.

"It just became standard practice," Olson said. "It just worked out to be such a positive experience for the firm. It's real hard to get really angry when someone's walking down the hall holding a baby."

Currently, the firm is coddling no babies at the office.

"The big joke is that it's about time for someone to have a baby," Olson said. "It's been about a year or so, and we're missing them."

### IS ONE A LONELY NUMBER?

The American Bar Association's Standing Committee on Solo and Small Firm Practitioners recently reported that nearly half of the country's lawyers are in private practice alone or in firms of two to five lawyers.

The ABA said there are roughly 690,000 private practice attorneys in the United States. Of those, 44 percent work in offices with five or fewer attorneys.



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