

Employment Litigation and Arbitration

A great deal of our work is focused on preventive measures to help clients avoid litigation. Our team helps companies take the proactive steps of developing sound policies and establishing constructive employee relations.

In the event that litigation becomes unavoidable, our attorneys focus on early intervention to deter protracted, reputation-damaging lawsuits. We have an extensive record of defense verdicts and summary judgment dismissals in claims involving wage and hour disputes, ERISA, discrimination, retaliation, and harassment under state and federal law.

It is critical that our clients maintain successful business operations in the event of litigation. We pursue quick, business-minded resolution to minimize costs, applying this focus to administrative hearings, arbitration, and mediation, as well as at trial. Our philosophy also includes a focus on smarter staffing as the key to effective and lean case management. Each case is treated with the utmost care for our clients' interests, especially with regard to efficiency, communication, and budgeting.

With nationwide experience at state and federal levels, we are experienced in collaborating closely with local counsel and serving as regional litigation directors, emphasizing consistent corporate litigation strategy and cost-effective case management regardless of jurisdiction or type of matter.

For companies facing challenges in California, our significant experience in the state allows us to provide experienced guidance on statutes that can be problematic for employers, in addition to our offering of programs to ensure compliance with unique California guidelines and statutes.

Our team is proven to achieve success in defending employers and obtaining settlements, judgments, and verdicts in:

- Discrimination matters, including individual and class-based claims of race, sex, gender, pregnancy, national origin, religion, age, and disability
- Retaliation
- Wrongful termination and discharge
- Wage and hour class action litigation, including California's Private Attorney General Act (PAGA) claims
- Sarbanes-Oxley and whistleblower claims
- ERISA, FMLA, and ADA issues
- EEOC pattern and practice and systemic claims
- Employee benefits, including retiree medical benefits
- Nonsubscriber occupational injuries
- Workers' compensation discrimination and retaliation
- Noncompetition and nonsolicitation disputes
- Racketeer Influenced and Corrupt Organizations Act (RICO) class actions
- Breach of contract and trade secret disputes
- Wage and hour collective actions

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Administrative Hearings and Investigations

Counseling, Compliance, Training, & Employee Benefits

Related Services

Counseling, Compliance, Training, & Employee Benefits

Employment Litigation and Arbitration



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Recent Publications

- June 5, 2019 **Employer Beware: The U.S. Supreme Court Allows a Plaintiff to Bypass the EEOC**
On June 3, 2019, in *Fort Bend County, Texas v. Davis*, the Supreme Court unanimously held that federal courts can exercise jurisdiction over discrimination claims that were never brought before the Equal Employment Opportunity Commission.
McGlinchey Labor & Employment Alert
- February 4, 2019 **Deadline Extension for EEOC Survey Announced Due to Shutdown**
On February 1, 2019, the Equal Employment Opportunity Commission (EEOC) announced that, due to the partial lapse in appropriations, the opening of the EEO-1 has been postponed until early March 2019. The deadline to submit EEO-1 data is extended until May 31, 2019.
McGlinchey Labor & Employment Alert
- May 29, 2018 **U.S. Supreme Court Rules That Employers Can Require Employees to Sign Collective and Class Action Waivers in Arbitration Agreements**
The Supreme Court in *Epic Systems v. Lewis* recently upheld the rights of employers to require employees to sign mandatory arbitration agreements in which employees must waive their rights to bring a class or collective action against their employers.
McGlinchey Labor & Employment Alert
- April 5, 2018 **Revised Law Says Employers Cannot Pocket Tips, Even if Not Using the Tip Credit**
A specific provision was included in the congressional spending bill approved on March 23, 2018, to amend the tip credit provisions of the Federal Labor Standards Act (FLSA) to expressly provide that employers cannot keep any portion of the tips earned by their workers, regardless of whether the employer utilizes the tip credit.
McGlinchey Labor & Employment Alert
- March 16, 2018 **Louisiana Supreme Court Issues Landmark School Decision**
The Louisiana Supreme Court issued a landmark decision on March 13, 2018, upholding the constitutionality of the allocation of state and local Minimum Foundation Program (MFP) funding to

New Type 2 charter schools pursuant to La. Const. art. VIII, § 13. *Iberville Parish Sch. Bd. v. Louisiana State Bd. of Elementary & Secondary Educ.*, No. 2017-C-0257 slip op. (La. March 13, 2018).

McGlinchey Labor & Employment Alert

January 12, 2018

[Employers Beware: "Weinstein Tax" Denies Income Tax Deduction for Sexual Harassment Settlements](#)

Beware of including nondisclosure agreements when settling sexual harassment claims, because neither the settlement payment nor the attorneys' fees related to that settlement will be deductible under new Internal Revenue Code Section 162(q).

McGlinchey Labor & Employment Alert

December 6, 2017

[Employer Update: Controversial DOL Regulation Regarding Tip-Pooling Headed to Repeal](#)

Employers in service industries may soon be able to require their tipped employees to share their tips with "back of the house" employees. The catch: the tipped employees must be paid at least minimum wage with no use of the tip credit.

McGlinchey Labor & Employment Alert

October 31, 2017

[Employer Update: Title VII Protection for Transgender Status Up in the Air](#)

Federal government agencies are in conflict among themselves as to whether Title VII of the Civil Rights Act of 1964 prohibits discrimination based on sexual orientation, including transgender status. Likewise, federal courts have reached differing conclusions.

McGlinchey Labor & Employment Alert

October 24, 2017

[Evaluate Your Sexual Harassment Policies and Procedures Now—Don't Wait for the Consequences](#)

McGlinchey Labor & Employment Alert

Events

August 22, 2019

[Ethics after #MeToo](#)

Cutting Edge Entertainment Law Seminar
New Orleans, LA

Recent News

April 25, 2019

[McGlinchey Stafford Receives Nationwide, State, and Individual Honors in Chambers USA 2019](#)

McGlinchey News Release

March 21, 2019

[Emphasizing 'entrepreneurial opportunity,' NLRB upends Obama-era independent contractor standard](#)

New Orleans CityBusiness

May 7, 2018

[McGlinchey Stafford Receives Nationwide, State, and Individual Honors in Chambers USA 2018](#)

McGlinchey News Release

February 9, 2018

[Trump's pro-employer picks to reorient EEOC's priorities](#)

New Orleans CityBusiness

January 19, 2018

[A Q&A with Magdalen Blessey Bickford](#)

New Orleans CityBusiness

November 1, 2017

McGlinchey Stafford's Practices Ranked Among Top in Nation in U.S. News/Best Lawyers' "Best Law Firms" 2018

McGlinchey News Release