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Top Boutiques IN CALIFORNIA 2019

SOCIAL AND ECONOMIC JUSTICE

Altshuler Berzon LLP

SAN FRANCISCO

Altshuler Berzon celebrated its fortieth anniversary in March 2019. Senior partner Michael Rubin described the firm's current practice as the logical outgrowth of its original intention to represent international labor and public interest organizations.

"We have expanded to represent workers in environmental, labor and employment matters, to protect the rights of immigrants and to promote campaign and election fairness," he said.

Founded by two former legal services attorneys, Fred Altshuler and Stephen Berzon, the firm's mission grew as its staffing increased. It currently has 15 partners and nine associates. Berzon remains managing partner; Altshuler has retired.

Said Berzon: "What began as joint projects between labor and environmental groups to protect farmworkers from toxic exposures, and between labor and immigrants' rights groups to guarantee workplace rights for all, has developed into scores of groundbreaking cases to achieve justice, freedom, and dignity for working men and women throughout the world."

The firm is currently before the 9th U.S. Circuit Court of Appeals in a major climate change case, representing the cities of Oakland and San Francisco against five oil and gas companies. The complaint, brought under California's public nuisance law, seeks "equitable abatement" to mitigate harms to public



Jana Ašenbrennerová/Daily Journal

From left, Zoe Palitz, Barbara "B.J." Chisholm, Scott Kronland, Stacey Leyton and Michael Rubin of Altshuler Berzon LLP

infrastructure caused by rising sea levels, increasingly frequent and severe storms and other consequences of the defendants' contribution to global warming. *City of Oakland v. B.P. PLC*, 18-16663 (9th Cir., filed Sept. 4, 2018). Oral argument is likely to be in February 2020.

The defendants removed the case to federal court, where U.S. District Judge William H. Alsup of San Francisco declined to return it to state court and dismissed it. Rubin and colleague Barbara J. Chisholm, Altshuler's deputy managing partner, contend the matter belongs in state court because no federal question is involved.

"We have the same public nuisance theories we used successfully in our lead paint cases," Rubin said. There, the U.S. Supreme Court in October 2018 let stand a \$409 million award to 10 California jurisdictions against lead paint manufacturers to fund cleanup efforts.

In its worker rights work, Altshuler Berzon took on the gig economy

when it briefed and appeared at oral argument before the state Supreme Court on behalf of a coalition of labor groups that persuaded the justices to set a new legal standard for distinguishing between employees and independent contractors. *Dynamex Operations West v. Superior Court*, 2018 DJDAR 3856 (Cal. S.Ct., opinion filed April 30, 2018).

Since then, Altshuler Berzon has defended the Dynamex outcome against challenges. Intervening on behalf of the International Brotherhood of Teamsters, it helped convince U.S. District Judge Morrison C. England Jr. of Sacramento in April 2019 to dismiss a federal preemption argument against the decision. *Western States Trucking Association v. Schoorl*, 2:18-cv-01989 (E.D. Cal., filed July 19, 2018).

Chisholm said the election and voting fairness component of her firm's work stems from its core commitment to unions and worker rights. "Our union clients are also very interested in social issues."

In May 2019 Altshuler Berzon partner Stacey M. Leyton and others obtained an order from a federal judge in Florida requiring the state to provide Spanish language ballots to Puerto Rican voters in 32 Florida counties. Leyton and colleagues cited the Voting Rights Act of 1965. *Madera v. Lee*, 1:18-cv-152 (N.D. Fla., filed Aug. 16, 2018).

The act "prohibits English-only elections for those citizens—yes, citizens—educated in Puerto Rico in Spanish," wrote U.S. District Judge Mark E. Walker of Gainesville, Fla. "Compliance with this Order is not optional."

"Voting rights is the key to achieving all other rights," Leyton said.

That case went quickly, but others take time. Speaking of the progress of the climate change cases through the trial and appellate courts, Rubin said, "We're aware that litigation can be an imperfect tool, and delays are part of the drill. But it's important to get it right."

— John Roemer