

# Daily Journal

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## Top Labor & Employment Lawyers 2018

How the *Dynamex* decision will impact employment law around the growing gig economy

### Claudette G. Wilson

FIRM:

**Wilson Turner Kosmo LLP**

CITY

**San Diego**

SPECIALTY

**Class actions, trade secrets, retaliation**

From the high volume of sexual harassment cases in the 1990s to the rise of the wage and hour class action and more recently Private Attorneys General Act claims, the legal landscape of employment is constantly evolving.

“You never get bored,” Wilson said. “To be a good employment lawyer, you have to be good at analyzing the law and writing about it ... but you also need to know evidence and know how to present your case in a way that is understood and appreciated by a jury.”

The attorney has accumulated substantial trial experience in state and federal courts, representing corporate giants such as Target Corp. and UPS Inc.

She recently achieved a precedential victory for Target in the Fourth District Court of Appeal, in what was primarily a retaliation claim brought under the Fair Employment and Housing Act. After a three-week trial, the jury returned a mixed-motive verdict, finding that Target would have terminated the plaintiff for poor performance regardless of any retaliatory intent.

Plaintiff’s attorney Carney Shegerian sought attorney’s fees and to deny \$66,000 in legal costs awarded to the defense. On appeal, Shegerian argued that Target

should not be entitled to the costs unless his client’s claims were deemed frivolous.

But, because the employee had rejected Target’s settlement offer, the appellate court found the employer could recover costs. The court also dismissed Shegerian’s request for attorney’s fees, despite the fact that he had made a showing of discrimination. *Brotten v. Target Corp.*, D070712 (Cal. App. 4th Dist. April 4, 2018).

“They were both big issues and Supreme Court decisions that hadn’t been fleshed out in the lower courts,” Wilson said.

Apart from her high-profile court victories, Wilson has made waves in the legal world for other reasons. In the mid-1980s, Wilson made national headlines when she became one of the first female attorneys at a large San Diego firm to secure a part-time job following the birth of her twins.

“It was still the era that, in the bigger firms, the pattern was that you either didn’t have children or, if you had children, you stopped practicing,” she said.

Women make up nearly three-quarters of the 32 attorneys at Wilson Turner Kosmo, which Wilson co-founded in 1991. Of the female attorneys who have had children over the last 15 years, all of them have eventually come back to work, Wilson said.



“The law is a very demanding career; there’s no getting around that fact,” Wilson said. “And I feel like we’ve done a good job of balancing the needs of people to have time with their families and the needs for our clients to have good lawyers ready to do the work they need done.”

— Mark Armao