

Outstanding Women: Lynn Rossman Faris

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Tuesday, April 10, 2007 --- Whenever her enthusiasm starts to wane, plaintiffs lawyer Lynn Faris gets on the phone with one of her underdog clients to remind herself why she does what she does. Even this diehard employee advocate and self-confessed workaholic needs a little encouragement now and then.

A phone call is the best cure for burnout, says Faris, who for the past four years has been lead counsel in a massive, multidistrict class action by drivers against mail delivery giant FedEx.

“Whenever I get tired I just call up one of my FedEx drivers and let them talk about their experiences. It always gives me the motivation to go back and keep fighting,” she said.

“There’s just an enormous satisfaction representing people who would not otherwise have lawyers, and who are often in a very powerless position in our society.”

The former union organizer was first inspired by the law while growing up during the civil rights and anti-war movements of the late 1960s.

“It seemed like law offered a real opportunity to make real changes that would affect people’s lives,” she said.

Soon after college Faris went to work in a health care facility in New York, where she became a union shop steward and found herself on the wrong side of the law.

Organizing an illegal secondary boycott on behalf of hospital workers, unaware it was prohibited under the National Labor Relations Act, Faris was thrust into contact with the labor attorneys who would eventually encourage her to return to school at 25 and study law.

“The lawyers wanted to kill me. But sometimes the best lessons learned are the hardest ones,” she said.

After her brush with federal regulators, which ended in the union settling charges brought by the National Labor Relations Board, Faris stayed in frequent contact with her union’s counsel.

“I would call them and ask them for advice. After I bugged them enough they

convinced me to go back to school and become a lawyer myself. When I went I had a good feeling I'd be involved in labor law," she said.

Faris spent her first year out of law school as a clerk for the late Chief Justice of the California Supreme Court, Rose Bird, who became her mentor.

"She inspired me in a host of ways. She was such an incredibly hardworking person. She was dedicated to justice and fairness for average working people and she cared very much about the little guy," Faris said.

After that it was off to work as the first female labor lawyer at San Francisco firm Neyhart, Anderson, Nussbaum, Reilly & Freitas, where she worked for eight years, becoming partner.

Taking a break to have a baby, Faris returned to the workforce as in-house counsel with the International Union of Operating Engineers, which was founded in 1896 and now represents more than 400,000 workers.

It was in this setting that Faris tried her first wage-and-hour suit, and it wasn't long before she had established a full-scale litigation practice, working the same long hours she did as a law firm partner.

One of her finest achievements in her 27-year legal career came during her tenure at the union, representing California irrigation workers in a claim for overtime pay under the Fair Labor Standards Act.

The 1993 case, *King v. Turlock Irrigation District*, established that canal workers were not exempt from overtime compensation under federal law, effectively overhauling the conditions of virtually every irrigation worker in the state.

Before the case was won with a multimillion-dollar damages award, these workers had toiled seven days a week during California's irrigation season, which in some districts could last up to ten months a year, without overtime pay.

These days, thanks to Faris, they work in shifts—one week on, one week off.

"It had a sweeping effect across the whole industry, and a profound effect on their lives. My clients had missed graduations, weddings and funerals, all kinds of occasions that most working people get to experience," she said.

"For the first time they got to experience real time with their families. It was really the best result I ever got in any case," she added.

During trial preparation, when the documents and depositions began to pile up around her, Faris was forced to recruit outside counsel from Leonard Carder LLP, the firm she later joined in 1995.

At the Oakland, Calif. firm, she has continued her campaign on behalf of a

vast array of employees, from construction workers in a prevailing wage enforcement case to exotic dancers and mid-level managers in misclassification suits.

“I really love being involved in affirmative litigation that can really make a difference in people’s lives, where the result is more than a monetary recovery,” she said.

“I’ve always wanted to represent working people. I felt that they were the underdogs in society and needed legal representation far more than businesses and corporations that can well afford to hire legal talent.”

The chances of Faris switching sides are less than remote, she said.

“I wouldn’t consider it. It’s just not my personality. I’ve always been an advocate. I’ve never seen myself in any other role.”

Representing FedEx delivery drivers in a massive multi-district lawsuit is her latest battle, a case she has been fighting, almost exclusively, the past four years.

Faris was thrown into the litigation by chance in October 2003, when the lead counsel left to join the bench just months before the test case, involving 200 FedEx employees claiming they were misclassified as independent contractors, was due to go to trial.

Faris spent nine weeks in trial in the spring of 2004, winning more than \$5 million in damages on behalf of her clients, and another \$12 million in attorneys’ fees.

“When I came into the case we were on the very tail end of discovery, with a record 275,000 documents. And at that point I had never even met a FedEx driver,” she said. “Now I feel they’re the only people I talk to.”

The litigation today involves 30 centralized cases involving a putative class of more than 25,000 current and former FedEx drivers nationwide. Class certification motions are now pending in the U.S. District Court for the Northern District of Indiana, she said.

“It has been a monumental case, and one that’s taken over my life,” she said. “I have done almost nothing but FedEx work since October 2003.”