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Connecticut
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LITIGATION DEPARTMENT OF THE YEAR

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Employment Law

Bringing Change to the Workplace

Garrison Levin-Epstein sees bigger picture when representing employees

By ROBIN DeMERELL PROVEY



Members of Garrison, Levin-Epstein, Richardson, Fitzgerald & Pirrotti's litigation team. Left to right: Nina Pirrotti, Joshua Goodbaum, Robert Richardson, Steven Fitzgerald, Joseph Garrison, Ethan Levin-Epstein.

What attorney Joseph Garrison enjoys most about his work is helping the underdog employee take on the mighty employer. He also takes satisfaction in knowing that, over time, these types of cases have effected societal changes by addressing racial discrimination in the workplace, lifting the glass ceiling for women and challenging the bias against aging workers.

The New Haven employment law firm of Garrison, Levin-Epstein, Richardson, Fitzgerald & Pirrotti largely concentrates on representing employees who allege they were wrongfully terminated or shortchanged financially. It also forged a successful settlement for clients in a nationally publicized Title IX suit. For its impact on employment and discrimination law, Garrison Levin-Epstein was chosen to receive a Litigation Department of the Year Award from the Connecticut Law Tribune.

Luby v. University of Connecticut garnered national attention last year, resulted in policy changes at the University of Connecticut and resulted in a \$1.29 million settlement. Five current and former UConn students claimed that the university responded inadequately to their reports of sexual assault and sexual harassment, and that the institutional inaction violated their rights to equal educational opportunities under Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1964 and the Connecticut Fair Employment Practices Act.

The lawsuit was filed by high-profile women's rights attorney Gloria Allred and co-counsel Nina Pirrotti, a name partner at Garrison, Levin-Epstein. While the university denied allegations of indifference toward the women's sex assault reports, the case resulted in the university making multiple changes, including naming a new assistant dean to support victims of crime, creating a special victims unit in the campus police department and launching educational programming about bystander intervention.

Pirrotti said the case caused a national dis-

cussion about all that Title IX encompasses. "A lot of people thought that Title IX was available only to those who were denied opportunity in athletics and it's a lot broader than that," Pirrotti said. "The goal is to ensure that all students have equal access to education. The case was important because it raised consciousness. We believe that students across the country who have been victimized were inspired by our clients."

Restoring Self-Image

To be sure, most of the firm's cases are of a lower profile.

In one case in 2014, the lawyers represented a New Haven high school vice principal who said she was harassed and forced into retirement after complaining to the school board that grades of student-athletes were being tampered with to keep them eligible for competition. After a lawsuit was filed, the firm won a monetary settlement and a public apology for its client.

In another case, the firm represented a client who was accused by his former employer, a business consulting firm, of stealing trade secrets and clients when he moved to a new job. Not only did a judge rule for the client, but Garrison Levin-Epstein successfully alleged the suit was filed in bad faith under the Connecticut Uniform Trade Secrets Act, and the firm was awarded attorney fees.

The partners say they take pride in seeing any employee—from a hedge fund trader to a fast-food worker—get compensated after being victimized by the unfair practices of an employer. "Sometimes it results in managers losing their bonuses or getting punished for making a poor decision. Once in a while you can build [institutional] changes in the settlement, but that's not very common," Garrison said. "It's more the client's life. You can see turnarounds in clients. They get money to go to school and start a new career or get out of debt. It's a feeling that they prevailed, that they got some justice.

With everyone who gets fired, there is a self-image problem and it restores their self-image."

Over time, Garrison said he has seen many workplace changes flow from employment law disputes. He said employment lawyers have a chance to make a positive impact. "If you take a historical view, look at the changes in race and sex and overall acceptance of diversity in the workplace," Garrison said. "[Legal action] is actually a benefit. People say you can't legislate morality, and I say that's not true at all. I look at our office as being a law enforcement office. We are the ones whom Congress designates to enforce these laws."

Garrison said his firm is starting to see more age discrimination cases, as people stay in the workplace longer. He also anticipates an increase in cases involving workplace discrimination against lesbian, gay, bisexual and transgender employees. Pirrotti added that another growing area of employment law is workplace bullying, which current laws don't directly address.

Although attorneys at the firm have earned reputations as outstanding trial lawyers, Garrison said the first goal is always to seek early settlement.

"Every case is unique, but there is an overall approach and that's to resolve cases early," he said. "There is some sense among people that trying to settle a case early or negotiate is a sign of weakness. We don't think so. It doesn't matter if you are the employer or employee: good business cases should be solved early—it's best for everybody. Extended litigation is a very wearing process and it's difficult for people."

As a testament to Garrison Levin-Epstein's own views of the employer-employee relationship, the firm's paralegal has been employed there 38 years. Garrison's legal assistant has been with him for 37 years. The firm's newest staff member was hired seven years ago. "We have a handbook," Garrison said. "We practice what we preach, and we have a lot of loyalty here." ■

LITIGATION
DEPARTMENT
OF THE YEAR

GARRISON, LEVIN-EPSTEIN, RICHARDSON, FITZGERALD & PIRROTTI

	Total Firm	CT Office(s)
Litigation Partners	5	5
Litigation Associates	1	1
Other Litigation Attorneys	1	1
% Total Revenue From Litigation	95%	95%

Nomination Excerpt: We specialize in the representation of individuals in employment counseling and litigation. We often do our jobs best by negotiating favorable employment terms (for current employees) or severances (for former employees). What we do for these clients often cannot be quantified. Many of our litigation matters fall into the same category. We are often able to negotiate settlements before the filing of a formal complaint. That said, all of our partners have substantial trial experience, and we have not hesitated to try cases where, in our view, our adversary has not been reasonable in settlement.

NOTEWORTHY CASE:

Case name: Shirley Love Joyner v. Kermit Carolina and Michael Jefferson
Court/Agency: New Haven Superior Court

Summary: Our firm represented Shirley Love Joyner, who worked for the New Haven Board of Education for more than 30 years, most recently as vice principal at Hillhouse High School. In 2011, Joyner reported to the Board of Education what she believed were improper actions by the school's principal, Kermit Carolina, with respect to students' grades. Carolina responded by accusing Joyner of fabricating her allegations as part of a witch hunt against him. The level of harassment rose and ultimately forced Joyner into early retirement. She responded by suing for defamation. Shortly before trial, the case settled. Carolina issued a public apology to Joyner, agreeing that her concerns about grade tampering were "genuine" and expressing his regret for the pain and humiliation she had experienced. The settlement of the lawsuit, which had received substantial press attention, was featured in a front-page article in the New Haven Register.