

## Titan Of The Plaintiffs Bar: Linda Friedman

By **Scott Flaherty**

Law360, New York (October 06, 2014, 3:48 PM ET) -- For Linda Friedman of Stowell & Friedman Ltd., a career distinguished by representing employees in high-profile challenges to hiring practices on Wall Street traces its roots back to a well-remembered place: the chambers of the first African American ever to sit on the federal bench, former U.S. District Judge James B. Parsons.



Linda Friedman

Now regarded by both colleagues and opponents as a tenacious advocate for employees alleging employment discrimination on the part of some of the country's largest financial companies, Friedman says her time as a clerk for Judge Parsons sparked an interest in civil rights law that has guided her work over the years.

"I would skip law school and stay all day long in his chambers," Friedman said, remembering discussions she had with Judge Parsons about the Civil Rights Movement and his prosecution of civil rights cases, as well as the phone call he received from President John F. Kennedy, who nominated him to the bench.

"I caught the bug," Friedman said, referring to civil rights law. "I knew that was what I was going to do."

Though it took a few more years — during which she finished her law degree at Chicago's DePaul University and completed another clerkship with U.S. District Judge Harry D. Leinenweber, where she again delved into civil rights cases — by her late 20s, Friedman had teamed up with two former federal prosecutors, Mary Stowell and Richard Leng, to form the predecessor to her current firm, Stowell & Friedman.

Since then, Friedman and her team have made a name for themselves challenging Wall Street firms, securing both large payouts for victims of alleged discrimination and commitments from the companies to institute meaningful, lasting changes to their hiring and promotion policies.

"She and Mary Stowell were pioneers in bringing discrimination suits against large Wall Street interests when no one was doing it," said Lori E. Lightfoot, a Mayer Brown LLP attorney who encountered Friedman as opposing counsel in *McReynolds v. Merrill Lynch*, a long-running race discrimination suit that settled in 2013.

Though Friedman has had a hand in a number of cases over years, two of her earliest high-profile successes came during the 1990s, when her firm represented groups of female employees in *Cremins v. Merrill Lynch* and *Martens v. Smith Barney*, which both alleged sex discrimination on the part of those financial companies.

In the *Merrill Lynch* case, Friedman led a group of financial advisers to a settlement worth about \$250 million, while the *Smith Barney* case ended in a settlement of about \$150 million. Both settlements also included commitments from the companies to adopt classwide diversity initiatives meant to address potential discrimination in hiring and promotion.

The outcome of those settlements stick out in the mind of Meites Mulder partner Michael Mulder, who served as co-counsel in *Cremin v. Merrill Lynch*, not just because of the monetary awards for the employees involved in the case, but because of the broader impact they had on the financial industry. The results, he explained, forced big financial companies to take a critical look at their employment practices and ensure that their policies are free of discrimination.

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— Michael Mulder  
Partner  
Meites Mulder

"I don't think too many lawyers can really say they changed the way an industry operated," said Mulder. "She can."

Following the sex discrimination cases against Merrill Lynch and Smith Barney, Friedman's focus turned to race discrimination, she said. The past decade or so of her career was largely devoted to one case, *McReynolds v. Merrill Lynch*, in which George McReynolds sued his employer in a

proposed class action alleging that certain company policies had a disparate, negative impact on him and his fellow African-American financial advisers.

Though the case eventually settled on terms Friedman and her clients were happy with — a federal court granted final approval in December to a \$160 million agreement that would also increase opportunities for Merrill Lynch's black financial advisers and trainees — that result was by no means a sure bet, and came only after years of setbacks and fights in court over class certification issues, she explained.

The case was first filed in 2005 in Illinois federal court, and around the same time a number of court rulings came out that, in Friedman's view, were "hostile to class actions," making it difficult for employees to pursue discrimination cases on a collective basis.

"Class actions started to get really scrutinized in a way that they hadn't been before," she said.

The *McReynolds* case initially succumbed to that sort of scrutiny, with Friedman and her team losing their first bid for class certification. The Merrill Lynch employees again sought class status after the U.S. Supreme Court's 2011 *Wal-Mart v. Dukes* decision, despite the wide perception that the justices' ruling in that case made class certification a more difficult endeavor. Though the district court judge noted that she had "guts" to argue that the *Dukes* ruling somehow helped the employees' bid for certification, the request was again denied.

But Friedman and her team had more success in an appeal to the Seventh Circuit, which in February 2012 issued an opinion, written by U.S. Circuit Judge Richard Posner, that revived the Merrill Lynch employees' motion for class certification. The Seventh Circuit's ruling has also had implications outside of the *McReynolds* case, as some attorneys have suggested it provides a path forward for plaintiffs to argue for class certification in a post-*Dukes* world.

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Pavia & Lazaro

Throughout the course of the *McReynolds* case, Friedman says she was frustrated by all the fighting over class certification issues, which she thought distracted from the compelling evidence of alleged discrimination against Merrill Lynch's African-American financial advisers. But she was also spurred on by the outlook of her clients, who, Friedman said, were in some ways resigned to the possibility that the justice system would fail them, and yet never gave up.

"When we won, nobody knew how to wear it," she said.

Attorneys who have worked closely with Friedman said the McReynolds case put on display many of her greatest strengths — an unflinching commitment to her clients, taking their causes on as her own and serving as a tireless advocate for them, even as the years rolled on and setbacks piled up.

“She really likes representing plaintiffs, and I think she really likes that because she has seen that she can make a difference in people's lives,” he said. “If she believes that there was discrimination there, she's not going to walk away until she has a good result for her clients. I think everybody who has litigated against her understands that.”

Friedman's commitment to her clients and to civil rights law in general comes across to the other side of the bar, according to Lightfoot, who defended Merrill Lynch against race discrimination claims in the McReynolds case. Even from across the aisle, Lightfoot said, it's clear that Friedman's clients admire the lengths she goes to in advocating their positions.

“When she takes cases on, they become a cause for her,” said Lightfoot. “And her clients love her.”

And Friedman's client-first stance, combined with her aggressive approach to litigating, commands respect among the defense bar, Lightfoot added.

“Linda's a fierce opponent,” she said. “We came to have a good professional working relationship, but it took some time, because she likes to fight.”

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— Linda Friedman  
Founding partner  
Stowell & Friedman Ltd.

In practical terms, committing to the clients in the McReynolds' case meant working just as hard on the settlement as she and her team did in the run-up to the pivotal Seventh Circuit ruling, Friedman said. In addition to a sizable payment for the class of financial advisers, the agreement also committed Merrill Lynch to internal reforms meant to address potential discrimination

issues, policy changes that Friedman and her team are still overseeing.

Pavia & Lazaro's Rafael Lazaro — who spent about three years at Stowell & Friedman before starting his current firm, and who still considers Friedman a mentor and friend — said that continuing effort shouldn't be considered a surprise coming from Friedman.

“She has taught me the value of giving everything you have for your clients. I think that is her strongest suit of all. You wouldn't believe what she has done with the McReynolds litigation,” said Lazaro. “For lack of a better word, she goes all out.”

Despite all the work that has gone into the cases she's worked on over the years, Friedman still holds onto the beliefs that drew her to civil rights law in the first place. Looking back on U.S. history, Friedman said, the progress that's been made in overcoming discrimination along racial, gender and other lines has come from people taking a stand or fighting in the courts for a change.

With that in mind, if someone asks what she does for a living, Friedman answers in a certain way.

“I never say I'm a lawyer,” she said. “I say I'm a civil rights lawyer.”

--Editing by Philip Shea.

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