

Class Action Pioneers

San Francisco employment boutique Rudy Exelrod Zieff & Lowe champions worker's rights

By Shane Nelson

Daily Journal Staff Writer

Longtime employment litigator John T. Mullan lived in Northern Ireland as a teenager, during some of that region's worst periods of violence and political tension.

"There was a pervasive atmosphere of division and injustice," Mullan said. "And it helped form in me an empathy for those marginalized by societal structures, a sense of justice and a desire to advocate for those who lacked the resources or voice to fight for their rights."

A 2002 UC Berkeley School of Law graduate, Mullan said he enrolled in law school because he wanted to pursue a career as a labor attorney. But when he was introduced to the work being done at Rudy Exelrod Zieff & Lowe LLP - a San Francisco employment boutique opened in 1986 - Mullan jumped at the chance to join.

"Their pioneering use of class actions to vindicate worker's rights - that just really intrigued me," Mullan recalled.

Home to nine attorneys now, the firm tackles a wide range of wage and hour class actions as well as individual employment cases, frequently representing clients with harassment, discrimination, retaliation or breach of contract claims.

Mullan has been at the firm for more than two decades, and he heads up the boutique's class action practice group, work that he still finds gratifying.

"I wanted to use my legal knowledge and skills to help level the



Erin Pulaski & John Mullan of Rudy Exelrod LLP | Gary Wagner / Special to the Daily Journal

playing field for people against large corporations," he explained. "Working in employment law, I continued to see firsthand that corporations often can wield asymmetric power to exploit their employees, deny them their fair wages or their rights under California's state and federal anti-discrimination laws and anti-harassment laws. It's really fulfilling for me to try to help offset some of that asymmetry of power."

Partner Erin M. Pulaski joined the firm in 2014, and she takes a similar satisfaction from her practice.

"When our clients call us, it's typically because something really terrible has happened to them in the workplace," Pulaski explained. "They've been terminated wrongfully, or they've experienced some egregious discrimination or harassment or are going through some issue that's really upended their lives."

"I think for many of us, our careers are such a meaningful part of our identities that when something happens to us at work, it's truly devastating to people. So what that means is it's an opportunity to help people during a time that they're really suffering."

A 2009 UC Berkeley School of Law graduate, Pulaski said she didn't have plans to become an attorney when she enrolled in law school.

“At that point in time, I was working to achieve social justice through tools like community organizing,” she explained. “But ultimately, it became clear to me that being a lawyer was the best tool I had. I’m not somebody who became a lawyer for the sake of it. For me, being a lawyer is a means to an end. It’s the best tool I have to achieve justice on behalf of my clients and on behalf of employees who have suffered.”

Mullan and Pulaski worked together on a putative class action against Oracle, representing some 3,400 women employees who claimed they were being paid less than men at the company doing the same jobs. The two sides reached a settlement agreement that was filed in San Mateo County Superior Court a few weeks ago, according to Mullan. *Rong Jewett et al. v. Oracle America Inc.*, 17-CIV-02669 (San Mateo Super. Ct., filed Sept. 7, 2018).

“It’s a \$25 million settlement, but also significantly, it provides for what we think of as meaningful

non-monetary relief,” Mullan said. “They’re going to commit to using third-party experts to analyze Oracle’s jobs and the technical jobs that were at issue in the lawsuit and make recommendations ... to ensure Oracle’s compensation policies and practices are consistent with applicable law.”

Rudy Exelrod Zieff & Lowe LLP attorneys also represented the former Pinterest COO Françoise Brougher in her highly publicized case claiming gender discrimination and retaliation. *Brougher v. Pinterest Inc.*, CGC-20-585888 (S.F. Super. Ct., filed Aug. 11, 2020).

That dispute settled for \$22.5 million late in 2020, according to Pulaski, who said, “As far as we know, that case resulted in the largest settlement in an individual gender discrimination and retaliation case in U.S. legal history.”

“The fact that our firm tries to take on really hard-hitting litigation is not a new thing. That’s a continuation of a very long tradition,” Pulaski said. She noted

that the boutique was founded by now-retired partners Mark S. Rudy, Alan B. Exelrod and Steven G. Zieff, who she described as “titans of the employment law bar in California.”

“Not only were they incredible lawyers, the three of them were the nicest people that you’ve ever met in your entire life, and they left an incredible legacy behind,” Pulaski said.

San Francisco employment litigator Peter R. Boutin said he’s opposed attorneys at Rudy Exelrod Zieff & Lowe many times and described the attorneys as uniformly professional and honorable.

“They always know the facts of their cases down cold, and they’re very good at focusing on the important issues in their cases,” Boutin said. “They don’t get sidetracked on really peripheral matters that are not going to ultimately impact the outcome of the case.”

In addition to name partners Rudy, Exelrod and Zieff in past cases, Boutin has opposed Mullan

on a few matters in recent years.

“He is like the folks who are actually on the letterhead: very smart lawyer, doesn’t miss anything, makes all the arguments that should be made and does that in a professional manner,” Boutin said. “He’s a formidable lawyer to oppose, but he’s always a gentleman.”

San Diego litigator Emily J. Fox opposed Pulaski on a matter that settled late last year and said the firm has a good reputation across California. She also spoke highly of Pulaski.

“She was a worthy adversary,” Fox said. “She really knew the law. We spent a lot of time on the phone together talking about the case, which you can’t always get from the other side, and she clearly was doing her homework. ... Given how professional she was and how much of a champion she was for her client, I would definitely recommend her if I had a plaintiffs’ case.”

shane_nelson@dailyjournal.com