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TOP Labor & Employment Lawyers 2024



Erin M. Connell

Orrick, Herrington & Sutcliffe

San Francisco

Erin Connell handles a variety of employment cases, but “the vast, vast majority” of her work deals with equal employment opportunity issues. “I’ve made the conscious decision to be more of a specialist than a generalist,” she said.

As part of that specialization, she also represents clients under audit by the Office of Federal Contractor Compliance Program. In fact, Connell co-leads Orrick’s EEO and OFCCP compliance group and its pay equity task force.

About half her work is litigation. She was co-lead counsel for Goldman Sachs when it agreed last May to a \$215 million class action settlement with current and former women executives. *Chen-Oster v. Goldman Sachs*, 1:10-cv-06950 (S.D. N.Y., filed Sept. 15, 2010).

In February, she represented Oracle in reaching a \$25 million settlement in a high-profile gender-bias class action. *Jewett v. Oracle*, 17-CIV-02669 (S.M. Super. Ct., filed June 16, 2017).

That case followed her and colleagues’ decisive victory in October 2020 in the federal compliance program’s action against Oracle. *OFCCP v. Oracle*, 2017-OFC-00006 (DOL, filed Jan. 25, 2017).

Currently, she is lead counsel defending HR software maker Workday in a first-of-its-kind class action alleging the company’s AI-powered applicant screening tools discriminate against people based on race, age and disability. *Mobley v. Workday Inc.*, 3:23-cv-00770 (N.D. Cal., filed Feb. 21, 2023).

She described the many OFCCP audits she handles for clients as similar to systemic discrimination investigations into her government contractors in which the federal compliance program checks for “patterns of statistically significant disparities adverse to protected groups.”

The other half of Connell’s practice is counseling. She works with business clients “to make sure that they are paying and promoting employees fairly,”

including especially counselling them about diversity, equity and inclusion.

She advises clients proactively on pay equity, pay transparency, the use of AI and DEI. “I am constantly on calls with clients who want to do the right thing,” she said. “They care about these things, and their employees care about these things.”

“That part of my practice has really exploded since the Supreme Court decision last summer striking down the affirmative action programs at Harvard and UNC,” Connell said. “Even though that was not an employment case, it certainly has had a major, major indirect impact in the employment space.”

In the wake of the Black Lives Matter movement and the murder of George Floyd, many companies “got very aggressive” in seeking diversity, she said. But many “didn’t necessarily understand the parameters and the limitations of what you can and can’t do.”

The Supreme Court’s college admission decisions “shone a huge spotlight on the fact that even in the name of diversity, equity and inclusion, you still cannot take race and gender into account when making employment decisions,” Connell said.

“I think now people are coming to realize there’s really no such thing as reverse discrimination. It’s just discrimination.”

—DON DEBENEDICTIS