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LABOR & EMPLOYMENT

Employment law has always represented a significant portion of legal work done in California. The practice has become even more crucial as California continues to build on its reputation as one of the nation's most employee-friendly states. As a result, some

of the nation's most sophisticated employment lawyers are based here. In this issue we highlight the very top practitioners in the field, and the cutting-edge cases they are handling across the state, the nation and even internationally.

— Editor's Note

EMPLOYMENT DEFENSE

California lawyers companies turn to first



SHARON KIRSCH
McManis Faulkner
San Jose

Year in Review: Kirsch has managed to knock out many claims in a long-running lawsuit by dealers at the Bay 101 card room who claim more than \$7 million in damages and restitution because they were required to contribute to its tip pool. She helped persuade Santa Clara County Superior Court Judge Joseph Huber to dismiss five of the dealers' seven claims on a motion for summary judgment. The dealers said all of that money belonged to them, and should not be shared with other employees, Sutter's Place Inc., or with supervisors.

In addition to handling ongoing litigation, Kirsch also provides general employment advice, training and counseling to Bay 101, and has successfully defended a couple of age discrimination cases and worked on its long-running battle with the City of San Jose that ended in a settlement last year.

She represented Aptare Inc. in an arbitration for unpaid commissions, which was decided for the client on favorable terms. An active member of the Santa Clara County Bar Association, Kirsch represented by San Jose Repertory Theatre in a wage-and-hour dispute with a union employee. She negotiated a settlement with the plaintiff. A trustee and vice president of the theatre, Kirsch provides employment law advice and training.

Next challenge: The Bay 101 dealers' lawsuit is scheduled to go to trial next year. Part of the challenge, she said, is simply explaining the business of a card room.