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Top Labor & Employment Lawyers 2020

Cheryl A. Sabnis

Sabnis, a King & Spalding partner, handles high-profile, high-value employment litigation. She has become a sought-after voice on the #MeToo movement, speaking on how different industries are affected and how it continues to evolve. She is also an authority on Covid-related labor and employment issues for California businesses.

“I’m heartened that the #MeToo movement has maintained public awareness, even though the pandemic has sent it to the sidelines a bit,” she said.

She spoke on the day the U.S. Supreme Court held that gay and transgender workers are protected by the Civil Rights Act. “Employers have finally recognized collectively that sexual harassment and discrimination or any workplace that is unsafe for women affects their mission. The next wave of awareness—and litigation—will focus on LGBTQ issues in the workplace. The protections in Title VII are at a minimum an indication that under the law it will be problematic to deny transgender individuals equal protection.”

Regarding Covid-19, Sabnis noted its direct impact on workplaces. “What constitutes an essential business was just one set of experiences to navigate. We’ve entered the brave new world of pandemic employment law. Covid counseling requires the mastery of a wide array of em-

ployment law issues. Those include everything from how to handle PPE to wage and hour issues. Covid has put in play numerous considerations with very few court decisions for guidance; the courts themselves have largely been closed. In view of that, it has been important to track federal guidance and rulemaking and state and city orders. Practitioners have had to pay attention to how all of that dovetails as employers want to do the right thing and stay in business.”

Sabnis defended Indiana-based mall retailer Hat World Inc. in an enforcement action by the U.S. Equal Employment Opportunity Commission over the firing of a “Lids” store manager for complaining about sexual harassment and filing an EEOC charge. *EEOC v. Hat World Inc.*, 2:19-cv-00314 (E.D. Va., filed June 13, 2019).

The alleged victim made written complaints to Hat World’s corporate human resources that she was being sexually harassed by her district manager; she was discharged soon after complaining to the federal agency.

“We parachuted in once the EEOC filed its complaint,” Sabnis said. “We took over and worked up the case aggressively.” Discovery revealed some problematic aspects of the government’s case, she added. “It became advantageous to both sides to settle.” Hat World paid \$33,000



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and signed a consent decree in which it agreed to adopt a written anti-discrimination policy and conduct employee training. “The government realized its case was not as strong as it thought,” Sabnis said.

— John Roemer