

# Daily Journal

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## LABOR & EMPLOYMENT

### Rising tide of joint employer lawsuits

#### EDITORS' NOTE

Who's an employer?

That is one of the most significant questions to emerge in the past year.

Whether in the context of franchised operations, independent contractors or staffing agencies, businesses across the country are puzzling over how regulators and courts will draw the line amid tectonic shifts in the global economy.

For the lawyers on the Daily Journal's list of top practitioners in California, employment has been and will remain one of the busiest areas of the law. Their accomplishments continue to boost the state's influence over the rest of the country.

In reviewing hundreds of nominations from law firms, alternative dispute resolution providers and others, we sought to recognize work that is having a broad impact on the legal community, the nation and society. We honor the best of them in these pages.

## California's Top Labor & Employment Lawyers

# Harvey L. Leiderman

#### FIRM:

Reed Smith LLP

#### CITY

San Francisco

#### SPECIALTY

Public employment defense



Instead of continuing to litigate for his client Contra Costa County Employee Retirement Association, Leiderman decided to change the law — and perhaps how public employee retirement systems are managed in California.

Leiderman wrote much of SB 673, which Gov. Jerry Brown signed into law in August. The measure transfers control over the Contra Costa County government to the separately operated CCERA board.

A response to the state court battle between the board and the county over pension fund management, Leiderman said the legislation “goes a long way toward cutting through government red tape and assuring a professionally managed and staffed retirement fund.” For example, the Contra Costa government no longer has the option of raiding its public worker pension fund to balance

the county budget.

The public sector employment lawyer said that other counties “are looking to replicate Contra Costa’s success,” pointing out that similar legislation is in the pipeline affecting Ventura County.

Leiderman represents managers of the state’s biggest pension funds including the California State Public Employees Retirement System and California State Teachers Retirement System.

California public worker pensions have improved from the Great Recession, Leiderman said, but he cautions that current safety measures by pension fund investors are not good enough to deal with the next market downturn. “Most funds risk mitigation techniques will be like holding an umbrella in a tsunami if we have a repeat of the Great Recession,” the lawyer said.

— Matthew Blake