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Q&A With Crowell & Moring's Kris Meade

Law360, New York (August 03, 2009) -- Kris D. Meade is a partner in and co-chair of Crowell & Moring LLP's labor and employment group. He counsels and represents employers in the full range of employment and traditional labor law matters, including individual and class action lawsuits filed under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Employee Retirement Income Security Act and companion state statutes. Meade represents employers in connection with union organizing campaigns, collective bargaining, labor arbitrations and unfair labor practice litigation.

Q: What is the most challenging case you've worked on, and why?

A: I worked on a series of litigations in which plaintiffs' counsel attempted to reopen prior litigations that had been settled or otherwise disposed of, based on allegations of fraud, spoliation, and even lawyer misconduct in the discovery phase of the underlying litigation.

Although I was not involved in the underlying litigation, and although the underlying claims of fraud, spoliation, and misconduct were without merit, the very nature of the allegations forced me to approach even the most routine discovery issues in the subsequent round of cases in a very different way.

Q: What accomplishment as an attorney are you most proud of?

A: Developing, with several other lawyers at Crowell & Moring, a significant practice that weaves together class action readiness and affirmative action compliance.

We work with many employers and with labor economists to assess both the structure and results of performance management, promotion and compensation systems, to identify trends that could be alleged to demonstrate adverse impact, and to recommend actions that would render both the performance management system and the results more defensible should allegations of systemic discrimination be leveled.

We have worked with many employers to convince skeptical senior decision-makers that such an approach is the best preventive medicine when it comes to class action litigation, smart business, and, for federal contractors or subcontractors, consistent with their affirmative action requirements.

Q: What aspects of law in your practice area are in need of reform, and why?

A: The one that comes to mind first is in the traditional labor area, where I would identify the law surrounding information requests. All too often, information requests are used by unions for purposes other than those that should be sanctioned under Section 8(a)(5), at great cost to employers in terms of people hours spent responding to information requests.

Q: Where do you see the next wave of cases in your practice area coming from?

A: I think we'll see a resurrection of class action employment discrimination litigation relating to pay and to compensation systems, in light of the Lily Ledbetter Fair Pay Act and the ambiguity surrounding the "other practice" language of that statute.

Q: Outside your own firm, name one lawyer who's impressed you, and tell us why.

A: This may be cheating, but I'm going to identify a lawyer who also happens to be a judge – the Hon. Rosemary M. Collyer of the United States District Court for the District of Columbia. What impresses me about Judge Collyer is her intellectual curiosity, her keen sense of fairness, and her incredible respect for — and dedication to — whatever institution she serves, whether it be the NLRB when she served as its general counsel or the federal judiciary. In the interest of full disclosure,

Judge Collyer was a partner and mentor of mine at Crowell & Moring (and our chairman for part of that time) before she joined the bench, but she is now clearly outside of our firm, so fair game, no?

Q: What advice would you give to a young lawyer interested in getting into your practice area?

A: In our world of BlackBerrys, demands for on-the-spot answers and advice, and conference calls that include lawyers and clients around the world at all hours of the day (and night), take time to THINK. Responsiveness without thoughtfulness is not client service.