

2026 National Labor & Employment Law Symposium

Prosecuting and Defending High-Stakes Employment Lawsuits: Key Lessons Learned Through Trial and Error



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What Makes A Case “High Stakes”?



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- “Monetary exposure, high earning plaintiff, long tenured plaintiff, sympathetic/attractive plaintiff” (M)
- “Legal fee spend” (M)
- “Great liability. Back wages. Treatment. And most important liability of the client.” (P)
- “Amount of money at issue. Publicity and press. Precedential effect of verdict or settlement.” (N)
- “Matters that have the capacity to generate publicity and cause substantial harm to the client's reputation, business model or funding.” (M)
- “High wage earner, HR/management missteps, failure to performance manage and document” (M)



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CEO Accused of Sexual Harrasment

Major allegations surface against a CEO of tech company, leading a class action



Media/Public Relations

Media/Public Relations

- “If potential for negative press, then more likelihood of early resolution.” (M)
- Potential publicity matters “very little” (M)
- Does not affect my strategy (P)
- Not found it to be a huge issue outside of entertainment law employment cases (N)

Policy Implications



"About that performance review system you spent a year developing..."

Policy Implications

- “Generally not worried about legal impact or making ‘bad law.’” (M)
- “It can affect the motivation to settle.” (M)
- “Usually a non-issue.” (P)
- “If the case would likely result in a favorable change in the law for that client, then the client is more willing to try it or try for summary judgment and defend/push for a favorable decision on appeal.” (M)
- “In my experience, most employers are willing to change company policy to avoid future liability.” (M/N)



Powerful People In The Crosshairs

Lessons Learned



Lessons Learned

- “Failing to appreciate that the weight of publicity can affect the mental health of a plaintiff so much that it changes the tenor of the case.”
- “Not fully appreciating how the plaintiff will present to a jury - in terms of charisma, attractiveness, and generally being very likable (regardless of liability issues).”
- “Publicity (even very bad publicity) might not matter to some very bad actors/move the needle in litigation (either in settlement or anticipated risk from the other side)”
- “Folding too early in settlement. Letting the magistrate know my authority at a settlement conference when I was a baby attorney.”
- “Not cross-examining my own client to the extent I needed to know everything that could possibly be raised.”
- “Not accurately reading the jury”

Lessons Learned

- “I've never made a mistake in a high stakes case. That is why I make so much money.”
- “Being dumb.”