



Dianne Baquet Smith

Partner

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PRACTICE AREAS

- Labor and Employment

INDUSTRIES

- Financial Services
- Healthcare

OVERVIEW

Dianne Baquet Smith is a partner in the Labor and Employment Practice Group in the firm's Los Angeles office. Prior to joining the firm in 1991, Ms. Smith was senior labor and employment counsel with Sears, Roebuck and Co.'s Regional Law Department, where she litigated cases and provided legal services and advice to facilities in 14 western states.

Areas of Practice

Ms. Smith has extensive experience representing management in litigation of wrongful discharge, discrimination, harassment, retaliation, wage and hour, breach of contract, breach of public policy, ERISA, and other types of employment cases, through trial. She has handled traditional labor issues (grievance arbitrations, union representation proceedings, unfair labor practices, strikes, contract negotiations, lockouts, handbilling, picketing, etc.). She has trained and advised clients on personnel matters, employment practices, compliance, loss prevention, operating, and other subjects, facilitating preventative and necessary responsive action. She has handled a broad range of administrative matters regarding business practices, including wage and hour claims, employment discrimination charges with state and federal agencies in California, Oregon and Washington, and proceedings before the National Labor Relations Board, OSHA, and the California Department of Industrial Relations.

As a trial attorney with the National Labor Relations Board from 1980 through 1982, Ms. Smith investigated and tried unfair labor practice cases and handled representation matters and injunction proceedings.

EDUCATION

- J.D., University of California, Berkeley, Boalt Hall School of Law, 1980
- A.B., Stanford University, 1977

ADMISSIONS

- Supreme Court of the State of California
- U.S. Court of Appeal for the Ninth Circuit
- U.S. District Court, Central, Eastern, Northern and Southern Districts of California

EXPERIENCE

Representative Employment Law Matters:

Obtained summary judgment, costs and \$65,000 in attorneys' fees in L.A. Superior Court -

Southwest District, whistleblower action by former secretary alleging wrongful termination for use of racial slurs in the workplace against major aerospace contractor and six individual defendants.

Following two-week jury trial obtained defense verdict and costs for employer (ice cream manufacturing plant) and supervisor in L.A. Superior Court hostile environment sexual harassment action, Judgment for defense upheld on appeal.

Lead counsel for municipality in LA Superior Court class action brought by temporary workers asserting personnel rule claims and denial of public retirement benefits. Following summary judgment on several claims and decertification of multiple subclasses, case settled on favorable terms.

Obtained summary judgment and costs for non-profit credit union and three officers/managers in L.A. Superior Court action alleging sex discrimination, breach of contract and public policy discharge. Appeal filed by plaintiff. Judgment for defense upheld on appeal, with an award of costs.

Defended major financial institution in Los Angeles County Superior Court action alleging race discrimination in employment. Favorable settlement reached.

Provided advice to bicycle manufacturer concerning dispute with former president and drafted revisions to executive employment agreement.

Provided advice to credit managers association concerning Americans With Disabilities Act and medical questionnaire.

Lead trial counsel for national bank in federal court action (Santa Ana) alleging disability discrimination, wrongful termination and violation of ERISA for alleged failure to provide COBRA notice. Following grant of partial summary judgment, case settled for favorable terms, avoiding costly trial.

Representation of benefit plan in U.S. District Court ERISA action alleging denial of long-term disability benefits.

Defense of non-profit organization and seven individual defendants in federal court action alleging civil rights violations. Motion to dismiss granted.

Provided advice to Taiwanese and U.S. banks concerning COBRA and WARN Act issues.

Defense of wrongful termination action against major retailer, arising out of corporate downsizing. Summary judgment granted.

Defended national bank in WARN Act class action related to branch closures.

Lead counsel on jury trial of L.A. Superior Court wrongful termination and whistle blower case brought against non-profit health care organization.

Defense of subsidiary of national retailer in action alleging discrimination on the basis of military status and service. Action removed to federal court and dismissed on 12(b)(6) motion.

Representation of severance plan in Northern District of California federal court action alleging denial of benefits in violation of ERISA. Action favorably settled at mediation.

Lead trial counsel in defense of national insurance company in Central District of California federal court action alleging violations of FEHA, ADEA and Section 1981. Six of nine plaintiffs, two individual defendants, and most of over 40 claims dismissed on 12(b)(6) or summary judgment motions. Following one week jury trial of age discrimination claims by remaining three plaintiffs, unanimous defense verdicts obtained.

Represented salaried pension plan in federal court action alleging denial of enhanced retirement benefits and breach of fiduciary duties. Action settled following filing of motion for summary judgment.

Drafted revisions to leave of absence policy to assure compliance with recently enacted state and federal statutes, and provided advice re COBRA and WARN Act issues.

Represented major textile manufacturer in U.S. District Court (Santa Ana) action by former employee involving novel antitrust, fraud and misappropriation claims, as well as wrongful discharge and ERISA causes of action. Summary judgment obtained for client on all counts, eliminating costly trial.

Negotiated favorable settlement of DFEH charge by transsexual employee alleging denial of family and medical leave under California Family Rights Act.

Obtained summary judgment for major defense contractor in Central District of California federal court action alleging retaliatory layoff.

Following effective discovery and filing of summary judgment motion, obtained favorable settlement in L.A. Superior Court action alleging breach of contract and defamation against major aerospace contractor and three managers.

Represented national retailer in defense of San Diego state court action alleging wrongful termination of employment, physical handicap discrimination, and whistleblower claims. Successfully resolved in mediation.

Defense of Alameda County Superior Court action alleging employment discrimination on the basis of race, sex, pregnancy, and retaliation against employer and supervisor. Following effective discovery, favorable settlement reached.

Representation of prominent toy manufacturer in state court action alleging discrimination in employment on the basis of medical condition (cancer). Confidential settlement reached.

Defense of major aerospace company in Central District of California federal court action filed by former engineer, alleging age and race discrimination, breach of contract, breach of covenant, violation of ERISA, and loss of consortium, arising out of a reduction in force. Following dismissal of several claims on summary judgment, action resolved in mediation.

Revised major law California firm's sexual harassment and nondiscrimination policy, and provided training to attorneys and staff regarding same.

Jury trial of major retailer's L.A. Superior Court wrongful termination action following dismissal of public policy discharge claim on summary judgment.

Co-counsel on jury trial of Alameda County Superior Court action by four plaintiffs against national retailer, alleging race discrimination in enforcement of check cashing policy, in violation of Unruh Civil Rights. Action settled during trial.

Represented international manufacturer and distributor of dietary supplements, cosmetics and health and beauty aids in defense of state court wrongful discharge action filed by former chief financial officer. Following a successful writ petition, favorable settlement reached.

Defense of non-profit organization and seven individual defendants in federal court action alleging civil rights violations. Motion to dismiss granted.

Defense of wrongful termination action against major retailer, arising out of corporate downsizing. Summary judgment granted.

Represented City on disability discrimination, harassment and retaliation claims in companion lawsuits brought by two former employees. Summary judgment obtained for client on one case; voluntary dismissal obtained on second case.

Representation of pension plan in state court declaratory relief action brought by heir of deceased employee concerning distribution of retirement benefits. Matter settled.

Defense of employer in U.S. District Court action by unionized employees, alleging Section 1981 civil rights claims and others. Favorable settlement negotiated following grant of partial summary judgment.

Represented health and welfare benefit plan in federal court denial of benefits claim filed by employee and parent regarding psychiatric care for minor. Obtained dismissal of client.

Represented City and City Council in L.A. Superior Court (Torrance) employment discrimination action filed by current management level employee. Favorable settlement negotiated following successful demurrer dismissing City Council and several claims against City.

Following dismissal of Business and Professions Code 17200 and other claims, served as co-counsel on 30 day Orange County Superior Court jury trial of remaining contract claim brought against high tech company.

Handled numerous judicial and contractual arbitrations, and dozens of mediations.

Conducted sexual harassment and diversity training seminars for management, sales and office personnel of Los Angeles commercial real estate agency, law firm, health plan, and other clients.

Conducted investigations of whistleblower and sexual harassment, sexual orientation and disability discrimination claims.

HONORS

- Received the AV® rating by Martindale-Hubbell® (This is the highest rating an attorney can receive for legal quality and ethics)
- Southern California *Super Lawyer*, 2007, 2009, 2011, 2012

MEMBERSHIPS

- Member, American Bar Association
- Member, National Bar Association
- Member, Black Women Lawyers Association of Los Angeles
- President, Black Women Lawyers Foundation
- Board Member, Los Angeles County Bar Association Foundation, 2007 - 2010
- Vice Chair, Diversity in the Profession Committee, Los Angeles County Bar Association, 2006 - present
- Former Judge Pro Tem, Los Angeles County Municipal Court
- Former Ninth Circuit Lawyer Representative

ARTICLES

- Sheppard Mullin Announces Launch of New Firm Diversity Programs, *Metropolitan News Enterprises*, November 14, 2008
- Featured in "Lonely At the Top" Daily Journal Extra article, February 28, 2005
- Quoted in "Court Won't Wash Off Makeup Rules" ABA Journal eReport, January 7, 2005
- Featured in "Stand And Deliver" Daily Journal article, October, 1999

SPEECHES

- Lecturer, Council On Education In Management
- Speaker, National Association of Broadcasters Radio Group
- Speaker, John M. Langston Bar Association
- Speaker, Los Angeles County Bar Association, Barristers Section and Labor and Employment Law Section
- Speaker, Black Women Lawyers Association of Los Angeles
- Speaker, State Bar of California, Section on Labor and Employment
- Panelist, American Bar Association
- Speaker, California Minority Counsel Program
- Speaker, California League of Cities
- Speaker, Women Lawyers Association of Los Angeles
- Speaker, National Bar Association
- Speaker, Practising Law Institute