

Employment MVP: Orrick's Lynne Hermle

By **Beth Winegarner**

Law360, San Francisco (December 7, 2015, 1:50 PM ET) -- Orrick Herrington & Sutcliffe LLP partner Lynne Hermle led the all-woman trial team that brought Kleiner Perkins Caufield & Byers LLP to victory in Ellen Pao's closely watched sex bias trial this year, earning her a spot among Law360's Employment MVPs of 2015.

When the California jury found in favor of Kleiner Perkins on Pao's bias and retaliation claims, it was Hermle's 14th straight trial win, including 11 in which she served as lead counsel. Also in 2015, Hermle successfully defended Microsoft Corp. and Morgan Stanley in cases brought by former employees, and picked up a role representing Twitter Inc. in a gender class action brought by a female worker.

One of the highlights of the Pao trial was Hermle's intense, multiday cross-examination of the former Kleiner Perkins partner and then-interim Reddit Inc. CEO, which drew a standing-room-only crowd of press, attorneys and observers to the San Francisco courtroom. She told Law360 that she was so focused on her questioning that she barely registered the audience.

"I didn't really notice the crowds, or even the fact that it was so crowded someone was bumping against the light switch and turning the lights on and off," she said. When she turned around to refer to a reporter friend of Pao's who was in the courtroom, "I almost stumbled, physically, to see the size of the crowd, because it was silent. Nobody was making a sound."

Hermle said she was originally drawn to the practice of law by watching courtroom dramas as a kid, particularly those high-drama cross-examinations that reveal "what's really going on, when everyone else has been swept into a false story," she said.

Before that, Hermle wanted to become an anthropologist. She received a bachelor's degree in physical anthropology from the University of California, Santa Barbara, but realized she didn't want to spend her

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Lynne Hermle
Orrick

life "sitting on a mountain [scrubbing artifacts] with a toothbrush." She received her law degree from the University of California, Hastings, and knew almost from the start that she wanted to practice employment law.

She approached the Equal Employment Opportunity Commission about a job, but they told her to get some defense experience under her belt. To her surprise, she found that she liked defending companies in employment cases, and has done very little plaintiffs work since law school.

"I found that I was good at working through the defense issues – resolving them when I could, and fighting when the client wanted to fight them," Hermle said. She has helped Apple Inc., The Gap Inc., Genentech Inc., The Gymboree Corp. and Williams-Sonoma Inc., among others, score wins on summary judgment or at trial, according to Orrick.

In January, she led Microsoft to summary judgment in a wrongful termination suit brought by a former employee. She represents Morgan Stanley on an ongoing basis, and this year successfully represented the company in a Financial Industry Regulatory Authority arbitration panel after an employee accused it of religious discrimination, she said.

Her successful defense of Kleiner Perkins led to her role representing Twitter in the class action filed by former software engineer Tina Huang. She's also representing Microsoft Corp. in a national class action alleging gender discrimination.

Even though Pao lost her trial, it's led to more such suits, Hermle said.

"It's led to disclosures of gender numbers, and some employers actually implementing various kinds of goals and programs to increase gender diversity," she said. "I've said that cases don't change cultures. [But] it's certainly true that the media coverage of Ellen's case encouraged the dialogue that was happening."

Hermle was firmly on Kleiner Perkins' side in the case and continues to believe that Pao's claims were meritless, but she's also glad it sparked more dialogue about women's struggle for equality.

"That's a dialogue I love. As someone who works to try and improve that, I can say it's frustrating," she said. "I wish I knew why women are so underrepresented in high tiers in big law firms or in engineering roles in the Valley, but it's a lot more complicated than some folks believe."

--Editing by Katherine Rautenberg.