

Titan Of The Plaintiffs Bar: David Sanford

By **Scott Flaherty**

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A New York Times obituary deserves part of the credit for spurring David Sanford of Sanford Heisler LLP to leave behind his years as a philosophy professor and set off on a different path marked by the pursuit of social justice in the courts as a self-described private attorney general.

The obituary described the life of a World War II veteran who had served in a segregated unit, gone on to Fordham Law School, then helped form the Boys Choir of Harlem and became a regional director for the NAACP. For Sanford, who remembers coming across the article in 1990 or 1991, the man's life story stirred up inspiration — Sanford eventually left a job as a Williams College philosophy professor and headed to Stanford Law School.



David
Sanford

"I thought to myself when I read that, 'That's the kind of life I want to have,'" Sanford said. "Even though I had a great life ... I thought this was something I had to do."

After graduating from Stanford in 1995, serving as a law clerk in the White House Counsel's Office during the Clinton administration and clerking for a D.C. federal district court judge, Sanford did appellate work for Jones Day. He then left that firm and spent about a year working with David Boies, now chairman of Boies Schiller & Flexner LLP, before turning to civil rights cases and eventually starting what became Sanford Heisler, a firm that Sanford chairs and is known for aggressively representing plaintiffs in employment discrimination, wage, consumer fraud and other cases.

Beyond the New York Times piece, Sanford — who sees himself and his Sanford Heisler colleagues as private attorneys general, pursuing the public interest as private-practice attorneys — said the social justice focuses of his current practice trace back to his childhood. He attended racially mixed public schools in Elizabeth, New Jersey, and remembers when he was about 6 years old and walking on a New Jersey beach, he saw a sign that read something like, "No blacks, no Jews, no dogs allowed."

"I remember talking to my parents about that sign," Sanford said. "My parents were very expressive in describing what that was about, and how odious that was."



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— Katherine Kimpel
Partner
Sanford Heisler LLP

With that upbringing as a backdrop, many of the cases Sanford has worked on have involved discrimination claims. Among them was a lawsuit against Cracker Barrel Old Country Store Inc., which alleged that the restaurant discriminated against its black employees and black customers. After about five years' of litigation, Cracker Barrel agreed to pay \$8.7 million in a settlement announced in September 2004.

The settlement in the Cracker Barrel case came the same year that Sanford and two partners founded the firm that would become Sanford Heisler. More recently, the firm represented a class of female sales representatives in a high-profile sex discrimination suit against Novartis Pharmaceutical Corp.

After a trial, a jury found Novartis liable for pay, promotion and pregnancy-related bias, and awarded the class some \$250 million in damages, though the dispute later settled in 2010 for \$175 million, covering a class of more than 6,000 employees. Sanford, who served in a lead role and described the case as the one he's most proud of, said that in addition to the monetary award called for in the settlement, the agreement contained substantial commitments from Novartis to make a number of internal policy changes.

"There were significant changes that were made within the company so as to ensure that the kind of discrimination [that we demonstrated] would not continue to characterize the culture at the company," Sanford explained.

Katherine Kimpel, who serves as managing partner of Sanford Heisler's Washington office and co-led the efforts in the Novartis case, said Sanford's approach to practicing law is marked by creativity and an ability to think outside of the box, factors that have made him an effective advocate for plaintiffs even in cases when precedent isn't on his side.

"David uses ... that willingness to take on challenges that other [attorneys] might shy away from to really develop great law for plaintiffs around the country," Kimpel said. "He really is someone who believes so deeply in what we do, and sees the potential that he can inspire the lawyers and other staff."

As chairman of his firm, Sanford spends much of his time now traveling between Sanford Heisler's offices in Washington, D.C., New York and San Francisco, overseeing work on a number of cases in addition to handling management tasks like hiring. The firm now has more than 30 attorneys and has built a reputation as a top plaintiffs firm in employment, whistleblower and consumer fraud cases.

Jones Day partner Glen Nager, who has come up against Sanford Heisler as opposing counsel in class actions and in individual employment matters, described Sanford and his firm as "very aggressive in

representing their clients."

"Clients who have a claim asserted by David Sanford and his firm know they have their hands full," Nager said. "You know you're going to have a real fight on your hands."

Nager added that despite being a tough opponent, Sanford is respected among the defense bar as someone who is not needlessly confrontational and is willing to think through solutions to whatever dispute might be at hand.

"David has the largely unique ability to be extremely aggressive and, at the same time, both very professional and even-tempered," Nager said.



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Applauding Sanford's "enormous empathy," Nager also noted that Sanford has been able to generate a high level of credibility with his clients. One of his former clients, Elly Rosenthal, a former Proskauer Rose LLP chief financial officer who Sanford Heisler represented in a discrimination suit, agreed with Nager's assessment.

Rosenthal, who worked for Proskauer for more than 18 years and whose suit alleged she was marginalized and eventually fired after taking medical leave for breast cancer treatment, said Sanford and his colleagues made her "feel like family" during the course of her case.

"David is very warm, he's very smart, he made me feel like I was his only client. We never rushed when we had a conversation," Rosenthal said. "He runs a fantastic office."

Sanford also takes seriously the task of helping young attorneys develop, according to Kimpel, who became a partner in 2010. She said Sanford has had a guiding hand in her career from the time she started with the firm in 2007, entrusting her even during the early days with "a tremendous amount of responsibility."

Taking cues from Sanford's leadership, Kimpel said the firm offers its younger attorneys responsibilities based on aptitude and potential, rather than a more traditional hierarchy based on the number of years someone has worked.

"We don't limit the kind of responsibilities [for younger attorneys] based on what we see as arbitrary limitations on how long they've been practicing," Kimpel explained. "And I definitely benefited from that."

From his perspective, Sanford said the quality of attorneys Sanford Heisler has been able to attract over

the past 10 years is a big part of what sets the firm apart. It's also a key reason that he and his colleagues have been able to continue to work on cases that serve the goals of social justice that attracted him to law in the first place.

"We've managed to be successful in our practice while remaining true to our core values," Sanford said. "People who come to our firm — every single one of them — can work at a premier defense-side firm. ... But they come to our firm because they share in the value of social justice and public interest."

--Editing by Katherine Rautenberg.

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