

MVP: Sanford Heisler's Deborah Marcuse

By Braden Campbell

Law360 (November 15, 2019, 5:30 PM EST) -- Sanford Heisler Sharp LLP's Deborah Marcuse has more than held her own in litigation against a series of big targets this year, including an Ivy League university, BigLaw firms and a multinational drug maker, earning herself a spot on the list of Law360's 2019 Employment MVPs.

HER BIGGEST ACCOMPLISHMENTS THIS YEAR:

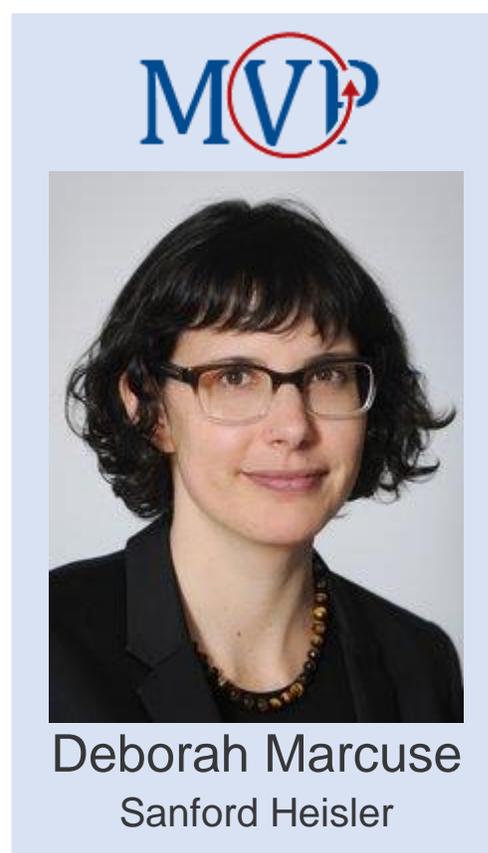
Marcuse's busy year included striking a settlement with Dartmouth College on allegations it subjected a class of female student-teachers to a gender-based hostile work environment, resolving another systemic sex discrimination suit against Merck & Co. Inc., and pressing suits accusing legal giants Jones Day and Morrison & Foerster LLP of underpaying and underpromoting women.

While litigating any of these cases would make a career year for most attorneys, for Marcuse the biggest accomplishment in 2019 was "just staying afloat," the bias suit ace told Law360. Further complicating this busy year of litigation was the challenge of continuing to build out Sanford Heisler's Baltimore office, which she has managed since it opened in April 2018.

"Getting that off the ground and filling it with amazing people and making sure those folks are trained and well looked-after in what can be a very demanding practice ... while also managing this kind of work" has been a rewarding challenge throughout 2019, she said.

As a frequent legal foe of employers with toxic workplaces, Marcuse has made a point of ensuring that her office is a hospitable place, including by sharing work with the firm's other offices and eschewing the common legal industry expectation that attorneys be on call 24/7, even if resources allow for more flexibility.

"I think we've been extremely successful in making the office a good place to work, which is so crucial for all of us who spend so much of our time at work," Marcuse said. "One needs to be particularly careful not to



make the job any harder than it needs to be."

WHY SHE'S AN EMPLOYMENT ATTORNEY:

Marcuse has taken a roundabout path to becoming a prolific plaintiff-side employment advocate.

She spent two years after college doing non-profit public interest advocacy, but quickly became disillusioned with the job because it required too much compromise. In retrospect, that was "an early sign that I was fit only for litigation," Marcuse said.

But she was still a ways off from pursuing law; instead Marcuse left the non-profit world for academia, earning her Ph.D. in religious studies. She realized midway through her graduate studies that this, too, was the wrong path for her, but stuck it out because of a sense of obligation she inherited from her mother.

Finally, Marcuse enrolled at Yale Law School. Exhausted after years of academic study, she threw herself into clinical work, which gave her an early taste of the courtroom. After a brief stint of post-grad policy work "confirmed that I was radically ill-suited to that," Marcuse turned to adversarial litigation, she said. Now, several years into a decorated career in complex employment law, Marcuse said she has found her calling.

"I like to solve problems, and I appreciate having a job where I am constantly called upon to do that in large and small ways," ranging from litigation to talking her clients through day-to-day worries, Marcuse said. "I feel extremely fortunate to have a job that I enjoy so much."

HER ADVICE FOR JUNIOR ATTORNEYS:

As someone who has made a career out of calling out toxic workplaces, Marcuse knows the importance of finding a good place to work. Good firms have several markers, she said, including a willingness to be challenged.

"Being in a place where you can ask questions and challenge fundamental structures or principles if you believe that they need to be challenged ... if you can have conversations like that and come out of it feeling that you haven't sort of ended your career," those are good signs, Marcuse said. Such firms recognize that the willingness to scrutinize and ask questions about practices are "part and parcel" to good lawyering, she said.

It's also a good sign if a firm already has structures in place to root out internal issues, Marcuse said. Recently, she heard about a firm that has an official review attorney evaluations for language that suggests they're tinged by implicit bias.

"To my knowledge, that firm did not get to that place through litigation. That firm just got to that place by paying attention when somebody asked some smart questions," Marcuse said.

OTHER NOTABLE CASES SHE'S WORKED ON:

In August, Marcuse secured a settlement with builder Nagan Construction worth more than \$400,000 for a group of workers who were underpaid for their work on projects for the federal government. In what was a first for her, Marcuse sued the company under the False Claims Act, which lets workers blow the whistle on fraud against the government and bring suits on its behalf.

"We have a really exceptional group of experts in the False Claims Act. I am not one of them," she recalled.

Marcuse initially looked at the case through a traditional employment lens, but realized this approach presented certain hurdles, including that the claims may have been too old. So she turned to the FCA — and to colleague Inayat Ali Hemani, who co-chairs Sanford Heisler's whistleblower practice group.

"He just magically went and started finding a lot of opportunities, and that ultimately led to a case in which we were able to reach a resolution that will benefit a lot of low-wage workers," Marcuse said.

The case's outcome is a testament to the ingenuity of her team at Sanford Heisler, she added.

"I love the creative litigation strategies that enable us to use things like the False Claims Act to get at injustice that might have seemed like there wasn't an obvious legal solution," Marcuse said.

— *As told to Braden Campbell*

Law360's MVPs are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals and complex global matters. A team of Law360 editors selected the 2019 MVP winners after reviewing nearly 900 submissions.