



Q&A With Adams and Reese's Liz Roussel

Law360, New York (April 12, 2013, 1:42 PM ET) -- Elizabeth "Liz" Roussel joined Adams and Reese LLP in 2002 and currently serves as the firm's labor and employment team leader. Roussel focuses her practice in the areas of labor and employment litigation, commercial litigation and director and officer liability claims litigation.

In her labor and employment practice, Roussel has defended employers in administrative proceedings before the Equal Employment Opportunity Commission and the Louisiana Department of Labor. Roussel has also served as counsel for corporate directors and officers in defending derivative suits alleging mismanagement, fraud and conversion.

Q: What is the most challenging case you have worked on and what made it challenging?

The most challenging case I have worked on actually was not an employment case, but a few years ago, I defended a company in a derivative mismanagement suit. In addition to the company, all of its former directors were named as defendants. What began as a straightforward mismanagement suit evolved over time to include alleged violations of the civil RICO statute, to require a trial on a petition for a writ of quo warranto, and to involve federal criminal proceedings against certain defendants. Virtually every aspect of the suit was challenging, from navigating the minefield of potential conflicts of interest, to considering implications of defendants exercising their Fifth Amendment rights, to bringing all parties together to coordinate a court-approved class action settlement. The case was intellectually stimulating and rewarding in many ways. The best part of the case was having the opportunity to work with a group of talented defense attorneys who I came to like and respect a great deal.

Q: What aspects of your practice area are in need of reform and why?

One of the most exciting and challenging aspects of an employment law practice is that the law is constantly evolving and changing. An area I believe to be in need of reform is the Fair Labor Standards Act. There is currently ambiguity and inconsistency among the federal circuit courts about an employer's ability to settle an FLSA claim privately and confidentially. Also, the attorneys' fee-shifting provisions of the FLSA are unlike most other federal employment law statutes in that they only provide for a prevailing plaintiff to recover fees. Successful defendants have no right to recover their fees. Consequently, it is not uncommon for employers to find themselves in a catch-22 because the cost to litigate an FLSA claim exceeds the amount demanded by the plaintiff, but the employers fear that a private settlement of the FLSA claim may not be enforceable. I also think consideration should be given to reforming the standards for determining when an employer is deemed to be subject to double damages under the Act and the penalties

available against companies that unwittingly find themselves to be considered joint employers within the meaning of the Act.

Q: What is an important issue or case relevant to your practice area and why?

One of the exciting aspects about an employment law practice is that new legislation is always being introduced, and the Supreme Court frequently weighs in on matters of significance to the practice area. Like many labor and employment practitioners, I am keenly interested in the D.C. Circuit Court of Appeal's recent ruling that President Obama's recent appointments to the National Labor Relations Board were constitutionally invalid and the impact that ruling has on the enforceability of the NLRB's decisions since January 2012. I am also interested to see whether the Employment Non-Discrimination Act, which would prohibit employment discrimination based on sexual orientation and gender identity, will be reintroduced and passed during President Obama's second term.

Q: Outside your own firm, name an attorney in your field who has impressed you and explain why.

Jenn Neil, the General Counsel for POOLCORP (based in Covington, Louisiana), comes to mind. Generally speaking, I am impressed by the female attorneys who hold management-level positions while at the same time maintaining a robust practice and balancing their family lives. When it comes to having a successful career and being a mom, I've always wanted to have my cake and eat it, too. I admire all women in the legal profession who have this same aspiration and manage to achieve it. Jenn certainly fits the bill by balancing her responsibilities as the head of the legal department for a publicly-traded company with finding time to spend with her husband, three children and friends.

Q: What is a mistake you made early in your career and what did you learn from it?

I have always thought the phrase the "practice of law" was an apt one. It isn't possible to practice law without making mistakes. Early in my career I drafted a release of age claim without realizing the unique legal requirements that must be met to ensure the enforceability of such a release. The partner for whom I prepared the release pointed out my oversight. That mistake taught me to be aware of the nuances involved in settling different types of claims, particularly in the employment practice area. It also taught me about the value of good mentoring and training.