



Erin M. Connell

Partner

San Francisco

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Practice Areas

- Employment Law & Litigation
- Pay Equity

Honors

- *The Recorder* California Labor & Employment Litigation Department of the Year (2013 - 2017)
- *Georgetown Journal of Legal Ethics*, Current Developments Editor

Education

- J.D., Georgetown University Law Center, 2002, *cum laude*
- B.A., Government and Literature, Claremont McKenna College, 1997, *magna cum laude*

Clerkships/Externships

- Hon. Diarmuid O'Scannlain on the U.S. Court of Appeals for the Ninth Circuit.

Memberships

- Board Member, BASF Justice and Diversity Center
- State Bar of California
- Association of Business Trial Lawyers
- American Employment

Erin M. Connell, a San Francisco employment partner and Co-Chair of Orrick's EEO & OFCCP Compliance Group and Pay Equity Task Force, represents employers in high stakes employment litigation and is an expert in equal employment opportunity law, pay equity, and affirmative action (OFCCP) compliance.

Erin's practice covers all aspects of employment law, as well as complex business litigation outside the employment context. Erin has successfully defended numerous class actions, EEOC systemic discrimination investigations, and complex individual cases involving claims of discrimination, harassment, retaliation, wrongful termination, and wage-and-hour claims. Erin has particular expertise in the area of pay equity, compensation analyses, and diversity initiatives; and regularly advises clients with respect to OFCCP and other EEO audits.

Erin also is an accomplished trial lawyer. She has tried several cases before juries and in arbitration, and has successfully obtained numerous defense summary judgment rulings and other favorable resolutions in state and federal court. Erin led the trial team that obtained a complete dismissal for Oracle in *OFCCP v. Oracle*, a high-stakes systemic compensation discrimination case that garnered national media attention. Erin was named, "Litigator of the Week" by *American Lawyer* for her successful defense representing Oracle in litigation against the OFCCP.

Erin's clients include leading technology and Fortune 500 companies, including: Oracle, Facebook, Netflix, Pandora, Pinterest, NVIDIA, NetApp, Splunk, Morgan Stanley, Bank of America, Citigroup, and Seagate Technology.

Erin is currently the management chair of the ABA Equal Employment Opportunity Committee, and frequently speaks on California and national employment law issues. She has published numerous articles on employment law in publications around the country, including the *ABA Journal of Labor & Employment Law*. She also provides training on managing within the law and preventing sexual harassment, and conducts internal investigations on employment-related matters.

Representative Engagements

Law Council - Member

- American Bar Association, Section of Labor & Employment, Equal Employment Opportunity Committee - Management Co-Chair
- American Bar Association, Section of Labor and Employment, Leadership Development Program Participant
- San Francisco Mother Attorneys Mentoring Association (SF MAMA) - Founding Board Member
- Georgetown Appellate Litigation Clinic - Former Member
- Women In Employment Law Network - Planning Committee Member
- Orrick Parents Forum - West Coast Facilitator

EEOC/OFCCP representative matters include:

- Numerous compensation analyses and audits, as well as ongoing advice to minimize risk under both state and federal law.
- EEOC Commissioner's charge alleging nationwide race and national origin discrimination in hiring.
- Nationwide EEOC investigation alleging race and national origin discrimination in the use of criminal background checks.
- Nationwide EEOC investigation alleging systemic failure to accommodate individuals with disabilities.
- Multiple OFCCP audits, as well as threatened and actual DOL litigation, assessing affirmative action compliance and alleged systemic discrimination in hiring, promotions and compensation.
- Ongoing OFCCP/EEO compliance counseling for numerous clients, with a particular emphasis on compensation, recruiting, hiring and promotions.

Notable litigation engagements include:

Oracle

- Currently representing Oracle in a class action involving allegations of unequal pay under the California Equal Pay Act.
- As lead trial counsel, obtained a complete dismissal of all claims in a high-stakes case against the OFCCP involving allegations of systemic compensation and job assignment discrimination at Oracle's headquarters location.
- Successfully resolved a complex set of disputes in both state and federal court against the State of Oregon arising from Oregon's failure to launch its health insurance exchange under the Affordable Care Act. Litigation involved constitutional questions concerning the Copyright Remedies Clarification Act and 11th Amendment immunity, as well as complex state-federal preemption issues.

Facebook

- Successfully resolved a putative class action involving allegations of independent contractor misclassification and other wage-and-hour violations.

Netflix

- Currently representing Netflix in litigation against Twentieth Century Fox Film Corporation and Fox 21, Inc., involving allegations of unlawful solicitation of employees and use of unlawful non-compete agreements.

Morgan Stanley

- Obtained summary judgment and defeated class certification in wage-and-hour class action alleging compelled patronage in violation of California law and various Labor Code claims.
- Defeated class certification in wage-and-hour class action challenging the exempt status of financial advisors and alleging unpaid business expenses.
- Successfully resolved three related complex individual charges alleging breach of contract, wrongful termination, sexual harassment, gender discrimination, retaliation and

compensation-related claims.

- Defended numerous complex individual cases involving all types of employment-related claims, including claims of discrimination, harassment, retaliation, wrongful termination, breach of contract and wage-and-hour violations.

The Home Depot.

- Successfully resolved wage-and-hour class action involving claims of unpaid overtime, meal and rest break penalties and other wage-and-hour violations based on alleged misclassification of independent contractors.

Bank of America

- Defended numerous complex individual cases involving all types of employment-related claims, including claims of discrimination, harassment, retaliation, wrongful termination, breach of contract and wage-and-hour violations.

Wyndham Vacation Ownership, Inc.

- Successfully tried and/or resolved claims of ten plaintiffs alleging discrimination, retaliation, harassment, wrongful termination and related claims.

Publications

- Contributor, Orrick's Employment Law & Litigation Blog
- Contributor, Orrick's Equal Pay Pulse Blog
- Quoted, "Litigators of the Week: The Orrick Team Who Beat Back the Government's Pay Discrimination Case Against Oracle," *American Lawyer*, September 25, 2020.
- Quoted, "Labor of Law: EEOC Will Study Quality of Pay-Data Collection," *Law.com*, July 23, 2020.
- Quoted, "How to Facilitate a Safe and Privacy Compliant Return to Work: Laws and Guidance," *Cybersecurity Law Report*, May 13, 2020.
- Quoted, "Game Not Over for U.S. Women's Soccer Team in Equal Pay Case," *Bloomberg Law*, May 6, 2020.
- Co-author, "We need to make sure the coronavirus pandemic doesn't make the gender pay gap worse," *Business Insider*, April 26, 2020.
- Author, "Prior pay can't justify pay differentials under Equal Pay Act," *Daily Journal*, March 2020.
- Quoted, "Employment Group of the Year: Orrick," *Law360*, January 15 2020.
- "Recent Developments in the Next Era of Pay Equity," *ABA Section of Labor and Employment Law*, October 2019.
- "The Evolving Landscape of Pay Equity Here and Abroad," *ABA Equal Employment Opportunity Law National Conference*, April 2019.
- Quoted, "Judge's Pay-Data Ruling, a Trump Rebuke, Puts New Squeeze On Employers," *Law.com*, March 6, 2019.
- Co-author, Change of Course? OFCCP Issues Long-Awaited Revised Compensation Guidelines, 4 Pratt's Government Contracting Law Report § 45.01 (2018).
- Co-author, "A New Directive--But Does This Mean A New Direction? What OFCCP's New Compensation Directive Means for Federal Contractors," *Bloomberg Law*, October 4, 2018.
- "Beyond the Gap: Approaching Pay Equity Issues in Today's

Employment Environment," *American Employment Law Council*, October 2018.

- "Suits by Suits: Equal Pay Developments and Implications for Law Firm," *PLI Current: The Journal of PLI Press*, September 2018.
- Co-Author, "Mind the Gap: Pay Audits, Pay Transparency, and the Public Disclosure of Pay Data," *ABA Journal of Labor & Employment Law*, Volume 33, Number 1, Fall 2017.
- "Diversity Initiatives In The Technology Industry," *Labor & Employment Law Annual Meeting*, California Lawyer's Association, April 2018.
- Quoted, "After Google Memo Suit, How Should Companies Handle Digital Discussions on Diversity?," *The Recorder*, January 18, 2018.
- Co-author, "Pay Audits, Pay Transparency, and the Public Disclosure of Pay Data," *American Bar Association*, March 2017.
- Quoted, "Trump Reg Order Hammers Home Employment Policy Shift," *Law 360*, January 30, 2017.
- Quoted, "In Trump Era, Where Are Diversity Efforts in Silicon Valley Headed?" *KQED News*, January 19, 2017.
- Co-author, "*Mach Mining v. EEOC*: Will the Supreme Court's Decision Reduce or Increase Court Oversight of EEOC Administrative Practice?," *ABA Journal of Labor & Employment Law*, Volume 31, Number 3, Spring 2016.
- Quoted, "5th Circ. Ruling May Push Employers To Settle EEOC Claims," *Law360*, June 22, 2016.
- Quoted, "Advancing Opportunity for All in the Tech Industry," *The National Law Review*, May 31, 2016.
- Quoted, "EEOC Focuses on Diversity Issues in High-Tech Sector," *Bloomberg BNA*, May 25, 2016.
- "Orrick Provides Testimony at EEOC hearing on Promoting Diverse and Inclusive Workplaces in the Tech Sector," *Orrick's Employment Law & Litigation Blog*, May 19, 2016.
- Chapter Chair, "Employment Discrimination Law Cumulative Supplement, Fifth Edition," *ABA Section of Labor and Employment Law Treatise*, 2015.
- Quoted, "California Cases To Watch in 2016," *Law 360*, December 24, 2015.
- Co-author, *Complying with Employment Regulations, 2015-2016 Edition: Leading Lawyers on Analyzing Legislation and Adapting to the Changing State of Employment Law (Inside the Minds)*, Aspatore Books, 2015.
- Quoted, "Calif. Justices To Weigh Break Issue Left Open By Brinker," *Law 360*, June 2, 2015.
- Co-Author, "EEOC v. Abercrombie: Mere suspicion insufficient to give rise to claim," *Daily Journal*, February 25, 2015.
- Quoted, "5 Tips For Employers Facing An EEOC Investigation," *Law360*, January 30, 2014.
- "Supreme Court Hold But-For Causation Required to Prove Retaliation under Title VII," *ABA's Section of Labor and Employment Law's Hot Topic*, June 2013.
- Co-author, "Practical Tips For Preparing A Video Deposition," *Law 360*, March 9, 2010.
- Co-author, "Sending Mixed Messages on Harassment Law," *Daily Journal*, February 17, 2010.

Speeches and Programs

- "Key EEO Risks and Obligations in the COVID-19 Era Videoconference," ABA Labor & Employment Law Section

Webinar, June 9, 2020.

- “Pay Equity: What's New?” The Conversation @ Orrick, October 4, 2019.
- “Ensuring Pay Equity,” ABA Annual Labor & Employment Law Conference, November 7, 2019.
- “State and Federal Update on Equal Pay,” American Employment Law Council, October 25, 2019.
- “Equal Pay Update,” Bridgeport 2019 Wage & Hour Conference, October 18, 2019.
- “Recent Developments in Pay Equity,” Practising Law Institute, Cutting-Edge Employment Issues 2019: The California Difference, September 25, 2019.
- “Pay Equity Here and Abroad,” ABA Equal Employment Opportunity Law Annual Conference, April 2019.
- “Lessons Learned Advising on and Litigating Pay Equity Issues,” Orrick Webinar, March 28, 2019.
- “OFCCP 2018 Directive on Auditing Compensation Systems,” *Critical Issues for Government Contractors, Counsel & Compliance Staff*, PLI Live Webcast, February 11, 2019.
- “Developments in Pay Equity,” BASF’s Labor & Employment Law Section’s Yosemite Conference, February 8, 2019.
- “OFCCP’s New Compensation Directive: Implications for 2019,” Washington Metro ILG Webinar, January 17, 2019.
- “Pay Equity in Law,” Cutting-Edge Employment Law Issues 2018, PLI Live Webcast, September 13, 2018.
- “Managing Pay Transparency in the Workforce,” C4CM Webinar, April 27, 2018.
- “Breaking Barriers: Building Diversity in the Tech Industry,” Labor & Employment Law Annual Meeting, California Lawyer’s Association, April 2018.
- “How Social Media Impacts The Workplace from an EEO Perspective,” ABA Equal Employment Opportunity Law Annual Conference, March 2018.
- “Practical Strategies for Closing the Gender Wage Gap,” ABA Labor & Employment Law Conference, November 10, 2017.
- “Striving for Equality: Application and Audits Under California’s Equal Pay Act,” Northern California Employment Round Table, October 10, 2017.
- “How to Prepare for the Newest Wave of Pay Equity Litigation,” Orrick Webinar, October 5, 2017.
- “Navigating Federal Contractor and Sub-Contractor OFCCP Requirements in the New Administration,” ABA Labor & Employment Law Section Webinar, July 19, 2017.
- “Social Media, Online Conduct & Employer Reputation,” EEOC TAPS Seminar, June 8, 2017.
- “The 100 Day Mark – Where are EEOC and OFCCP Heading?” PLI Webinar, May 23, 2017.
- “Deep Diving Pay Equity for Federal Contractors,” Arizona Industry Liaison Group, March 21, 2017.
- “Equal Pay 2017: Change of Course or Full Speed Ahead?” Orrick Webinar, January 25, 2017.
- “Bridging the Equal Pay Gap - Strategies for Responding to New Laws, Aggressive Regulators and Shareholder Proposals,” Orrick Webinar, June 22, 2016.
- Provided testimony at EEOC’s Commission Meeting on “Promoting Diverse and Inclusive Workplaces in the Tech Sector,” May 18, 2016.
- “Compensation and Pay Equity: A Practical Guide,” AZilg Webinar, April 19, 2016.

- “Complying with the California and New York Equal Pay Laws,” Orrick Webinar, December 9, 2015.
- “What’s New with the OFCCP: An Update on Key Issues and Developments - Part 2 of 2,” Thomson Reuters Webinar, October 14, 2015.
- “What’s New with the OFCCP: An Update on Key Issues and Developments - Part 1 of 2,” Thomson Reuters Webinar, October 2015.
- “Culture Shift: Insights From Men Who Get It,” Thomson Reuters Women’s Transformative Leadership Conference, September 2015.
- “Equal Pay? The OFCCP’s New Aggressive Focus on the Compensation and Discrimination Issue,” Thomson Reuters Webinar, September 2015.
- “OFCCP Compensation Discrimination: Navigating Directive 307 and Item 19 of OFCCP’s Itemized Listing,” PLI Webinar, July 2015.
- “Nuts and Bolts of OFCCP Audits and Enforcement Strategies,” Thomson Reuters Webinar, August 2015.
- “Avoiding Workplace Pregnancy Discrimination Claims,” Orrick Webinar, July 2015.
- “Pregnant Worker Bias: Navigating the Complexities of Accommodations and (ADA, PDA, FMLA) Compliance Rules,” Center for Competitive Management, May 5, 2015.
- “Employment Law Practice: Year in Review,” Continuing Education of the Bar, California, January 2014.
- “OFCCP Compensation Directive 307 - One Year Later,” Northern California Industry Liaison Group, April 2014.

Admissions

- California

Court Admissions

- **United States District Courts** | Eastern District of California
- **United States District Courts** | Central District of California
- **United States District Courts** | Northern District of California
- **United States District Courts** | Southern District of California
- **United States Courts of Appeals** | Ninth Circuit