

Daily Journal

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LABOR & EMPLOYMENT

The Daily Journal is honoring in this first-ever Labor and Employment supplement **California's top 25 lawyers** working in the field. We examine what the changes will mean for legal professionals, how the U.S. work force is realigning and how the recession has fueled a boom in labor and employment litigation.

EMPLOYMENT DEFENSE

Employers received stellar defenses from these 10 lawyers while the recession fueled a wave of employment and labor litigation against companies.



Malcolm A. Heinicke

Munger, Tolles & Olson
San Francisco

Year in Review: It was Christmastime 2007, and Arthur J. Gallagher & Co., one of the country's largest insurance brokers, had just filed a trade secrets lawsuit against Edgewood Partners Insurance Center, a California-based start-up brokerage that recruited away almost 50 of its employees. The start-up firm called on Malcolm A. Heinicke to head up its defense, and Heinicke swiftly batted down a temporary restraining order application in the case. By the fall he'd led his client to a settlement. His successes continued throughout the year. Among them: Heinicke successfully protected client Guardsmark, a private security provider, from a wage-and-hour class action lawsuit, in the process setting precedent for how meal periods are treated under the California labor code.

Next Challenge: Now Heinicke is turning his attention to defending Wachovia Securities, part of Wells Fargo Advisors, against a wage-and-hour class action lawsuit that challenges the bank's practice of loaning money to its financial advisors as a recruiting tool. Other clients keeping him busy are 99 Cents Only Stores and Fidelity Investments.

Most People Don't Know: Heinicke, 37, loves baseball. He played on both his high school and college teams. Later, in 1998, he was strolling through San Francisco's Golden Gate Park and stopped to watch a baseball game, where he met a man named Joel Russell. The duo formed a team and convinced Kezar Pub, their local watering hole, to sponsor them. Eleven years later the Kezar Brewers are still taking the pitch in a Bay Area men's league.