

WIGDOR LLP

ATTORNEYS AND COUNSELORS AT LAW

85 FIFTH AVENUE
NEW YORK, NY 10003
TEL 212.257.6800
FAX 212.257.6845
WWW.WIGDORLAW.COM

Jeanne M. Christensen
jchristensen@wigdorlaw.com

August 18, 2020

VIA EMAIL

Sen. Kamala Harris
U.S. Senate
112 Hart Senate Office Building
Washington, DC 20510

Re: Forced Arbitration of Sexual Assault Claims

Dear Senator Harris:

“One of the fundamental principles of our democracy is that everyone should get their day in court. Forced arbitration deprives Americans of that basic right.”

Sen. Kamala Harris

We could not agree more with your statement which is why we wrote to you on October 7, 2019 about our firm’s representation of Vanina Guerrero, who was then a partner at DLA Piper, in connection with her claims of sexual assault, sexual harassment and retaliation. Her allegations include facts about sexual assaults she suffered at the hands of Louis Lehot, another partner at DLA Piper. On behalf of Ms. Guerrero, we asked DLA Piper co-chairs Roger Meltzer and Jay Rains to release her from forced arbitration so that she can **“get [her] day in court.”** DLA Piper refused.

Although you agreed that DLA Piper should allow sexual assault victims to have their day in court, no other action was taken by you or your husband Douglas Emhoff, a DLA Piper partner. A group of law students from elite schools, including Harvard, did take action. Members of the People’s Parity Project held protests at DLA Piper offices in New York, Boston and Washington D.C. and passed out leaflets urging law students not to interview with DLA Piper until it agreed to cease mandatory arbitration for all lawyers and employees of the firm. Sadly, this brave action failed to help Ms. Guerrero. We had hoped that your husband, who has earned millions of dollars at DLA Piper, would have taken action and done something to condemn forced arbitration for all employees at DLA Piper but especially for his fellow female partners, including Ms. Guerrero. Instead, he towed the line and by doing nothing, he supported Mr. Lehot, a Silicon Valley rainmaker that undoubtedly generated financial gains for DLA Piper and Mr. Emhoff.

Fast forward almost 11 months and DLA Piper continues to silence Ms. Guerrero, claiming that she waived her legal rights. No woman *agrees* to be sexually assaulted in the workplace because it is not a reasonably foreseeable act. The proposition that female employees can do so is outrageous.

Unless Mr. Emhoff also believes that being sexually assaulted at DLA Piper is a reasonably foreseeable event, he should resign immediately. You and your husband occupy a unique platform with which you can leverage change for female employees at DLA Piper and beyond. What better way to utilize this platform than to condemn forced arbitration? Doing so would set an example for all law firms, their clients, and businesses large and small. Joseph Biden should join you in condemning forced arbitration, especially for sexual assault victims.

In March 2019, we asked Uber Technologies to do exactly the same thing we ask of DLA Piper. Tony West, your brother-in-law and the general counsel for Uber Technologies agreed that forcing sexual assault victims out of our court system was indefensible and wrong. Mr. West did not simply make public statements that doing so was wrong. Instead, Mr. West *walked the walk*. Under his advice, Uber Technologies changed their arbitration policies and eliminated forced arbitration for sexual assault victims.

We hope you and your husband follow in Mr. West's path and demand that DLA Piper rights this senseless wrong. After all, access to our public courts is a constitutional right and the system is funded by the hardworking taxpayers in this country – including Ms. Guerrero.

Sincerely,



Jeanne M. Christensen

cc: Tony West, Esq.