



Profile: Kathryn Dickson

A pivotal event turns a would-be environmental lawyer into top employment attorney

By **STEPHEN ELLISON**

If not for two key moments in Kathryn Dickson's life, she very well might be on the faculty of a university English department or perhaps filing class action environmental lawsuits against BP. As it is, Dickson is one of the premier employment litigators in California, one who takes pride in representing any and all workers who believe they have been mistreated. And she wouldn't have it any other way.

"I have a very strong view about representing all levels of workers, from low-wage laborers to high-level executives," said Dickson, a founding partner for Dickson Levy, an all-female employment law firm based in Oakland. "I want to represent the whole spectrum."

Indeed, she has – and still does. Now, about those pivotal life moments.

The first came when Dickson was attending Stanford University as an undergraduate student. On a whim, she enrolled in a prelaw course, constitutional law, and almost instantly, she was hooked. After earning her bachelor's degree in English, she moved on to law school at Hastings College of the Law at the University of California, San Francisco.

The second turning point came in the early 1980s as Dickson waded through the environmental law issues of the time – it was nuclear safeguards, she recalled – and a woman came knocking, referred by someone privy to Dickson's kindheartedness. The woman claimed she had been sexually harassed on the job, and Dickson, who had zero employment law experience, agreed to take the case.

"It was my first employment case, so I was really excited," Dickson recalled.



Dickson

"We won \$75,000, which was a pretty good amount for the time.

"The human side of it was so rewarding," she added. "So, I started taking more employment cases, and throughout the '80s and into the early

1990s, I did both employment and environmental law cases.

"Environmental law is rewarding but kind of dull," she continued. "We accomplished some things, but it didn't involve a lot of human drama."

Doing both, however, got to be a little too much as each area was getting more specialized and growing too fast, Dickson said. She phased out the environmental law portion of her caseload in the early to mid-1990s and devoted herself full-time to employment law. "I liked the human interaction side of employment law better," she said.

A people person

One advantage Dickson has had over the average attorney is a keen ability to drop the lawyerly persona and talk to clients person to person. It's not forced or rehearsed – it's simply her nature. "She knows how to talk to pretty much anybody," said Jocelyn Larkin, executive director of the Impact Fund and a long-time colleague of Dickson. "I've seen her in action, and she can deal with all sorts of personalities. She just has an amazing ability to communicate with people."

That very ability gave Dickson the confidence to take that first employment case, which involved an African-American

woman who worked as a security guard at the Trans-America building. When the verdict came back, the woman didn't know how much \$75,000 was. "I had to explain it to her," Dickson recalled. "I told her, 'you know those brand new Volkswagens? Well you could buy 15 of them.' I told her she could buy a house in Stockton."

For Dickson, the smile on her client's face was reward enough, and a victory in her first employment law case was a nice, thick coat of icing on the cake.

Once established in the employment law arena, Dickson asserted herself quickly, taking on large corporations in all matters of employment disputes, including wage-and-hour, wrongful termination, sexual harassment, discrimination and whistleblower retaliation.

One memorable case came in 1994 against Chevron, a class action involving 880 female engineers claiming discrimination (*Vandell v. Chevron* (1994) No. 945302, Superior Court of California, San Francisco). "It was a classic glass-ceiling case," said Dickson, who at the time partnered with Jeffrey Ross to form Dickson-Ross. "These women weren't being paid as much and weren't being promoted as much as the men in the company."

The case settled for \$2.3 million. "I was very proud of that settlement – not so much for the amount, but it was very elaborate," Dickson said. "It allowed clients to take one of three formulas on the wage side and one of three formulas on the emotional distress side."

Also involved in the case were four sexual harassment claims, for which Dickson got a settlement total of \$8.9 million.

Larkin was co-counsel on the Chevron case and thus had a first-hand



look at Dickson's work ethic and courtroom savvy. "She's immensely hard-working, really determined and very smart," Larkin said. "She's probably my single most important role model."

During her tenure at Dickson-Ross, there was a clear distinction of roles when trying cases, with Ross handling briefs and motions while Dickson played to her people skills. "Connection with the jury," she said when asked about her greatest strength in trials. "(Jeff) was the lawyer's lawyer, I did the people stuff – jury selection, opening statements, closing arguments. I really enjoy working with jurors."

Feeling for her clients

As an advocate, Dickson is so in tune with her clients that she can almost feel their pain or their stress or their apprehension when a trial is looming. But attempting to help clients through that "emotional roller coaster" is perhaps the toughest part of being a trial lawyer, she said. "It's so hard to tell them to be prepared to have a great day, to prepare for the high peaks and low valleys," Dickson said. "As lawyers, we can handle that, although it can even be hard for some lawyers. But it's extremely hard on clients."

Mark Rudy, an employment law mediator at Rudy Exelrod Zieff & Lowe of San Francisco, has known Dickson since the 1980s and has mediated about eight to 10 cases with her. He could not emphasize enough the determination and diligence she demonstrates on behalf of clients. "She's very thorough, always going the extra mile," he said. "She's intuitive, but at the same time, she's willing to sit down with her client and have a discussion about the obstacles of a given case."

Betty Crocker of Tomorrow

Born in Indiana and raised from age eight in rural Florida, Dickson won the "Betty Crocker Homemaker of Tomorrow

Award" during her senior year in high school, not exactly a snapshot of things to come. She attended Stanford on a Heritage Foundation scholarship, and upon graduating from Hastings in 1976, she went to work in environmental law, including stints with the Coastal Commission and the California Energy Commission. Her very first case, which involved upholding nuclear safeguard laws in California, went all the way to the U.S. Supreme Court and won a 9-0 decision.

She later moved on to private practice with Roger Beers, working with the Sierra Club and other high-profile environmental organizations before her fateful venture into employment law.

With Ross came the Chevron settlement and later a landmark wage-and-hour victory against Siebel that returned an initial award of \$27.5 million.

When she first joined forces with Ross, the pair mapped out a plan. "I had the most wonderful partnership imaginable with Jeff," she said. "We had a five-year plan for him to become a mediator. He became so successful so quickly that it kind of left me feeling like a sole practitioner. We remained partners even as he was doing mediation, but a lot of conflicts came up. So we agreed, very reluctantly but very amicably, to split up."

Businesswoman, speaker, adventurer

Dickson had to ask herself what to do next. The answer was to start a firm with four other women: Leslie Levy, Sharon Vinick, Darci Burrell and Jean Hyams. Collectively, the quintet brings more than 100 years of experience in employment law, and the firm has racked up several multimillion-dollar jury verdicts, settlements and arbitration awards. "It's going great," Dickson said.

Having served on the governing board for the American Bar Association

Labor & Employment Section as well as the board for the National Employment Lawyers Association – among her many professional achievements – Dickson has had ample opportunity to impart wisdom on the legal masses. She is a frequent and coveted speaker for those and other organizations and is often asked for advice.

"There are two things I usually tell people," Dickson said. "First, to be successful in cases, you need momentum. So, once you get that momentum on your side, keep pushing. Second, have confidence in yourself, no matter how difficult others make it for you. You have more control than you think. If someone starts being obnoxious or disruptive, during a deposition for instance, you don't have to sit there and take it. Just say, 'Let's take a break.' There are lots of little tricks like that you can use."

For Dickson, taking a break happens to be a significant part of her lifestyle. She loves the outdoors and is an avid sea kayaker, having traveled to Alaska and Vancouver Island for kayak camping trips. "We stayed on one island in Vancouver that we were told has the greatest concentration of wolves in the world," she said. "It was amazing."

For all the advice she has passed on through the years, Dickson took to heart a suggestion she heard years ago during a

speech from mountaineer Arlene Blum: Spend at least one hour every day outside. "I thought that was great advice," Dickson said, "and, with the exception of one or two days a year, I've been able to do it."



Ellison

Stephen Ellison is a freelance writer based in San Jose, Calif. Contact him at ssjellison@aol.com.

