



Profile: Monique Olivier

For this lawyer, advocacy has been – and continues to be – a life endeavor

BY STEPHEN ELLISON

A passion for advocacy is not unique in the plaintiffs' law community, but there seems to be something special about Monique Olivier's sense of resolve when it comes to seeking and finding justice.

For Olivier, it's much more than an office-hours, court-filing pursuit. The partner with Duckworth Peters Lebowitz Olivier LLP in San Francisco certainly does her share of legal advocacy, but her activism is more life endeavor than career undertaking.

"Both of my parents were in the medical profession, and we did a lot of Catholic Charities work when I was growing up," recalled Olivier, a native of Dartmouth, Massachusetts. "So I think I got this sense of social justice from a young age."

Indeed, through college, and even more so after she graduated from Boston College, Olivier was making social issues and civil rights her life's work. In her first year out of BC, she joined the Jesuit Volunteer Corps, through which she was placed at a nonprofit in Sacramento that supported prisoners and their families. Her boss there was a Jesuit priest – and a criminal defense lawyer – so she spent her days in and out of the California prison system, working on "very interesting" civil rights issues such as conditions of confinement.

"That, I think, solidified my path after my JVC year," Olivier said. "I went on to work on homelessness and poverty issues with Loaves and Fishes, a nonprofit based in Sacramento. And then at that point, law school seemed to be the obvious path."

Olivier attended UC Davis King Hall School of Law, where in her third year



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she tried her first case. After earning her law degree, Olivier went to work for the Law Offices of Amitai Schwartz, a civil rights and appellate practice, and then at the Sturdevant Law Firm in San Francisco, where she specialized in class actions on behalf of consumers and workers. At the Sturdevant firm, she was instrumental in obtaining favorable settlements for statewide and nationwide classes of consumers. After co-founding her firm in 2010, Olivier also began providing advice and counsel to small businesses on employment matters, and just recently she has been developing a mediation practice.

"I started my career with a real fire and passion for plaintiffs' work, and I still hold those ideals," she said. "But I've mellowed with age a little. I'm capable of seeing a more complete picture now in my practice. That's one of the things that's helped me transition into mediation."

Advocacy through dialogue

Because a fair amount of her cases are class actions, Olivier does not have a high volume of trial work. But she has done a handful of trials over the years. That first trial she did while she was a third-year law student was a civil rights jury trial in the Eastern District of California, and she called it "an amazing

experience." She went on to try a couple of employment matters, and she was involved in a large class-action trial with Jim Sturdevant against Bank of America some years ago, she said.

Another significant portion of her practice has been appellate work. She holds her legal specialization in appeals from the California State Bar.

"I love being in a courtroom and love having the opportunity to be an oral advocate," Olivier said. "And from an oral advocacy perspective, I love the appellate courtroom. It provides an opportunity to have a conversation with a panel of really bright, thoughtful judges – and that to me feels like the high point of my practice, when I have an opportunity on a really interesting legal issue to have that kind of audience and that kind of dialogue."

Indeed, Olivier considers intelligent, articulate oration her greatest weapon in the courtroom. She said she views litigation as a way for the truth to come out and doesn't believe in playing games. "I'm a pretty straight shooter, and I approach each case with respect and interest and hope that I can work with the folks on the other side in a collegial and cooperative manner to try to get to a resolution," she said.

And though she's not the scrappy, street fighting-type, she says she has a lot of respect for those who are and thinks there's something to be said for that approach. It's just not her.

"I think my approach is a little bit of a softer one aimed at recognizing that litigation is a tool to try to get a resolution," she said.

The resolution maker

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One of Olivier's more memorable cases involved a woman working as a



night janitor who was raped on the job by her supervisor. It was an emotional case tried by Equal Rights Advocates, which brought Olivier on as appellate counsel to defend the successful verdict on appeal. The appeal process was fairly lengthy, she said, and stressful for everyone involved. After several rounds of briefing and oral argument before the Court, Olivier and her co-counsel were able to settle the case and get a resolution for their client.

“That was both a challenging and rewarding experience, being able to help someone who had been through such a horrible experience and come out of it feeling like she has a little bit of peace and a little bit of closure,” Olivier said.

Another case she recalled fondly was a class action that ended with a classwide settlement on behalf of over 40,000 people across the country. It involved low-income clients who basically had been duped into a loan product while they had their tax returns prepared, Olivier said. The loans were referred to as refund anticipation loans. Olivier’s clients were hardworking, people living from paycheck to paycheck.

“These people had their tax refunds seized to pay old debts,” she said. “I saw this cycle that occurred; one of our clients lost her job, lost her apartment as a result of what happened. Again, it was a hard-fought case. We went up to the court of appeal, we came back down; we litigated that case for probably five years before we were able to get resolution. But we got a settlement – we were able to get the money that had been seized back into the hands of the class members.”

Perhaps her most impactful case came when her alma mater, UC Davis, cut its women’s wrestling program and required female wrestlers to compete against men for spots on the school’s team. Olivier represented groups of female student athletes who alleged they were deprived of opportunities, in

violation of Title IX, to participate at both the club and varsity levels and receive all the benefits – like scholarships and tutoring – that came with that status.

The litigation led to sweeping injunctive relief, including a commitment from UC Davis to increase athletic opportunities for female students and to contribute to a fund for the development of club sports. The university has since worked to improve disparities between gender athletic participation ratios and added two women’s varsity teams.

Giving back

Throughout her career, from the beginning, Olivier has always involved herself in professional and community organizations. She served on the board of the San Francisco Trial Lawyers Association for eight years. She is currently serving as one of the lawyer representatives to the Ninth Circuit, a three-year term that is in its final year, she said. Over the past few years, Olivier also has served on the Nominating Committee for the National Association for Consumer Advocates. She also currently serves on the steering committee for the Northern District Chapter of the Federal Bar Association, an experience she describes as “great because it’s an opportunity to work with a wide variety of lawyers. I work with people on the defense side, with criminal attorneys, and with the Northern District bench – planning conferences and continuing legal education, and being involved in the community of law.”

In a nonlegal capacity, Olivier gleanes from her background in theater. She took theater production and direction courses throughout college, she said, and still carries a desire to see performing arts programs thrive in schools and communities. That drove her to an organization called the Performing Arts Workshop that puts teaching artists into

the public school system in the Bay Area. She served on that board as well. “I felt really lucky to have had that opportunity; it’s just a great organization,” she said. “I worked with great, super bright, committed people.”

When Olivier is not at the office, she enjoys traveling the globe, discovering and experiencing other cultures. She said international travel is a good way for her – or anyone – to gain perspective on how lucky we are here in the U.S. And she just loves meeting different people.

When she has time, Olivier also enjoys hosting dinners and cooking up a big meal for friends and family. “I love being in the kitchen because cooking is such a different way of experiencing life than practicing law,” she said.

As for the future, Olivier has no significant changes on the horizon. She continues to represent workers and consumers in class actions and in appeals, work she describes as “rewarding.”

She also just started to mediate and has enjoyed adding that component to her practice.

“I think it helps me be a better lawyer, and also helps bring a balance to my practice, which I appreciate,” she said. “I don’t see any crazy changes, just moving in the same directions I’ve been moving for the past few years. I have a great firm; we’re a small shop. My partners mostly do employment cases, and two of them are also mediating. It’s just a nice environment to be in.”

For lawyers just starting out, including those still in law school, who would like to find a similar pleasant environment for their livelihood, Olivier had five simple but meaningful words of advice: “Don’t forget to enjoy life.”

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