



Profile: Leslie Levy

Thinking outside the confines of law-school teachings helped jump-start a long, successful career for this civil rights advocate

By **STEPHEN ELLISON**

Taking chances and breaking the mold typically aren't considered specialty areas in the law profession. Then again, Leslie Levy is not your typical lawyer.

A partner in the progressive, all-women firm of Levy Vinick Burrell Hyams, based in Oakland, Levy learned an important lesson early in her law career that served as a guide to longevity and success.

"I had this illusion that lawyers were the vanguard for change," Levy said of her initial impression about law. "What I quickly learned in law school is lawyers are not the vanguard; they are the ones who can help codify the change social movements bring about."

Even through the difficulties of starting out as a sole practitioner, Levy wasted little time making such changes in the Bay Area, bringing two major disability cases against Bay Area Rapid Transit in the 1980's that transformed the way the agency's stations are set up. One involved edge detection for blind people – the yellow bumps at the edge of BART platforms that are now a transit industry standard. Levy represented two blind people who had fallen onto the tracks.

"They (the clients) had looked for lawyers, and several lawyers were willing to take their personal-injury cases," Levy recalled. "But they said, 'No, we want to change this so it doesn't happen again.' That was one of the first lawsuits I brought, and I demanded injunctive relief. As a result of that lawsuit, the court ordered BART to test and install edge detection."

At about the same time, Levy filed a suit on behalf of three clients who were wheelchair users. The way BART originally was set up provided her clients with no access. Some of the elevators that were installed at BART stations went from unpaid areas to paid areas, so wheelchair users were completely dependent on a station agent being present



Levy

"Those are two lawsuits that every time I ride BART, I kinda smile because we just accept that as part of the system now," Levy said. ... "I do have this belief that somehow in your first few years of practicing law, you're probably as creative as you'll ever be because nobody is telling you, 'You just can't do that.'"

Joining forces

Starting out on her own, indeed, paid off, but Levy soon joined forces with other women attorneys, specializing in sexual harassment and sexual assault cases for women and children – wherever they occurred. She continued on that course for a number of years, including a major case against the Berkeley Unified School District on behalf of five girls who had been molested by a teacher. Part of that case prompted training to help teachers and school staff spot behavior they should be concerned about.

In the early 2000's, Levy went to work for Boxer and Gerson, a worker's compensation firm where she met Jean Hyams. Together they formed the firm's employment discrimination department, which focused primarily on disability rights.

"It was a really nice complement to their worker's comp practice because they saw a lot of discrimination in not getting disabled people back to work," Levy recalled. "At that point, I started to switch my focus toward employment

to let them in or let them out, Levy said. The lawsuit she brought forced them to install card readers so people with disabilities who needed access could call the elevator on their own.

I still did sex abuse cases, but primarily in employment, and I did race, gender and age discrimination in employment."

In 2010, Levy and Hyams started their own firm with Darci Burrell, and today, along with Sharon Vinick, they form one of the most experienced and successful employment practices in the state. Their work has been recognized by a number of professional organizations, and in October, California Women Lawyers will honor Levy with the prestigious Fay Stender Award during its annual [S]Heroes in Action dinner in San Francisco.

"I've gotten lots of awards over my career, but this one touches me because it reflects a lot of my commitment in my career," Levy said. "It's recognition from a community I respect and appreciate, and it's just very sweet."

NYC to LA to SF

Levy was raised in New York City until age 11, when her family moved to Los Angeles. Her father was a criminal defense and tenants' rights lawyer, so social activism and social change were very much a part of her upbringing. Thus, becoming a lawyer, in her eyes, would mean helping people and affecting change. "If I couldn't do some version of civil rights law, on what I saw as the right side, I wasn't going to be practicing law," she said.

Levy eventually "got the hell out" of LA and attended UC Berkeley for her undergraduate studies, earning a degree in philosophy. She stayed in the Bay Area for law school, graduating from UC Hastings College of the Law in San Francisco. She was very politically involved in the LGBT movement at the time and strived to be part of social change any way she could.

To that end, the two BART cases put Levy in a position to expand her horizons, and she began helping victims of sexual predators and harassers. She did therapist abuse, teacher molestation and priest molestation, and in that process,



she brought the nation's first major sexual harassment in housing case. She and her associates at the time represented a dozen or so women and children in Fairfield who had been sexually harassed by an apartment manager. The victims had been told by everyone they contacted, including the Equal Employment Opportunity Commission and the Department of Fair Employment and Housing, that there was nothing illegal going on, that sexual harassment in employment was illegal but it wasn't in housing.

That simply wasn't true, Levy said. "I brought that case, and it changed their lives," she said of the victims. "These were mostly low-income, single mothers, going to school where they could. The Sunday LA Times did a spread on it, and as a result, the Department of Fair Employment and Housing, the EEOC and housing rights agencies across the nation started doing education about sexual harassment in housing. As my clients described, it's a cross between sexual harassment and domestic violence because you're in your home but you're not safe."

Along those lines, Levy also worked on changing legislation regarding sexual harassment occurring outside employment. It is now part of the civil code, she said.

Cases in point

More recently, Levy brought a high-profile sexual harassment case against a UC Berkeley law school dean who made unwelcome advances toward his executive assistant. It was a case she took over from another attorney unresolved, she said. Sujit Choudhry was forced to resign his post as dean but was allowed to retain tenure and continue working at the university as a professor. He eventually settled the suit with his accuser, Tyann Sorrell, agreeing to pay \$50,000 to a charity and \$50,000 in legal fees to Levy's firm, according to a report on SFGate. Levy told SFGate the settlement amounted to a "minor slap on the wrist" for Choudhry.

Another memorable case Levy recalled was one involving an apprentice firefighter whistleblower who developed

post-traumatic stress disorder during a firefight in Solano County. After a grueling, nine-week trial against the Vallejo Fire Department, Levy and Vinick got a \$2.3 million verdict for their client, by far the largest verdict the county has awarded in an employment case, Levy said.

"Most memorable for me is the development of this practice, the coming together of four very smart, creative, cooperative, wonderful women lawyers who are all committed to working on behalf of plaintiffs," Levy said. "And the way the office runs is unusual for a law office because we try to work to each other's strengths, and we try to keep our egos out of it. So, we're always in each other's offices saying, 'What do you think about this?' It's constant collaboration; we work on cases together. ... The women I work with are some of the most creative thinkers on these issues."

In trial, Levy's approach amounts to cornering the defense witnesses as soon as possible and "make them the bad guys that they are." Jury consultants have told her a case is not so much about your client as it is about the corporation, the employer, the entity, the wrongdoer, she said. One of her specialties is being tough on cross examination. During her last trial, she was told the jurors went into deliberations, and the first thing they said was they wouldn't want to be on the other side against her.

However, there's a risk in such an approach, Levy said, and it's an area that to this day is a work in progress for her.

"You can't be mean (to a witness) before the witness has earned it in front of the jury," she said. "Otherwise, it puts the jury off. I get pissed when I feel like somebody is either lying on the stand or covering up. My anger begins to show before I've necessarily proven that's what's going on, so then (the jurors) don't understand why they're hearing the anger and frustration in my voice. So, I think being patient and trusting that the jury will see what I see is something I still need to work on."

On an even keel

Levy said work-life balance is very important to her, so she's constantly

active outside of the office, and it's usually involving animals and the wilderness. For the past 20 years, she's done volunteer work at the Marine Mammal Center in Sausalito, helping rehabilitate injured or sickly harbor seal pups. She's also a winter wildlife docent at Point Reyes National Seashore, educating people about whales and elephant seals, and she recently became certified as a California naturalist.

Levy also enjoys sea kayaking, having trekked to Alaska, the west coast of Vancouver Island, around San Francisco Bay and up the Northern California coast. "I have on occasion guided trips, but I don't do it that often anymore because I'd much rather go paddle on my own," she said.

Finally, Levy is a birder, having participated in the Audubon Christmas Bird Count via kayak the past few years.

As a law school instructor, Levy has become accustomed to handing down advice about being a lawyer and what it means to hold that title. In her class on Civil Litigation Responses to Violence Against Women, she would say at the end of the session: "Before you get up and make an argument, before you represent somebody, think about whether you want to live in the world that's created if you win." She said it's advice not so much about law practice but about having a conscience and thinking about the fact that lawyers do have power.

"We do have impact on people's lives and our own lives," she said. "So, when you take a stand on a legal issue, think about whether you want to live in the world that's created by that position."

In the practice of law, Levy said this: "If you see something wrong, don't assume it can't be fixed. Maybe it can't; maybe the law isn't going to provide a solution. But be creative. Think beyond the usual confines that we're taught. That's what I did, and it's what I think makes a difference, and it's what I still try to do."

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