



Elena R Baca

Partner, Employment Law Department

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Elena Baca is the Global Chair of the Paul Hastings Employment Law Department, and leads a diverse group of more than 100 lawyers in 14 offices around the world. Ms. Baca is recognized as a leading trial lawyer by many noted publications. She has been consistently ranked by *Chambers USA* and the *Legal 500* as one of the top employment defense lawyers in California. *Chambers USA* has noted that her “litigation track record and outstanding trial victories stand out in the legal marketplace, due to both her sheer volume of wins and the ways in which these decisions are helping to shape future employment and labor law, particularly in California.” Clients have referred to her as “second to none.” Ms. Baca also has been selected continuously since 2006 as one of the *Best Lawyers in America* in employment law. She has repeatedly been named as one of California’s “Top Women Lawyers” and as one of California’s “Top Labor and Employment Attorneys” by the *Los Angeles Daily Journal*. The *American Lawyer* also recognized her in its “Top 45 Under 45” list. An experienced trial lawyer, Ms. Baca has established an impressive record of defense verdicts and arbitration wins representing a wide variety of corporate clients. Her litigation practice is primarily focused on employment related issues, such as employee mobility, wage and hour, and whistleblower issues. She is considered a “go-to” employment lawyer for many large employers with high-profile disputes involving high-level executives and contentious high-stakes litigation (including class action claims). Ms. Baca is frequently called upon to turn around cases that have been mishandled by other law firms and take them to trial. Her clients include talent agencies, entertainment companies, web-based services, financial institutions, medical technology and research companies, law firms, public utilities, major manufacturers, and leading consumer brands.

Recent Representations

- Dollar Tree Stores - Represented Dollar Tree at trial in a certified class action. The certified class consisted of more 5,000 store associates who sought millions of dollars in penalties based on novel legal theories under the

Los Angeles

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Orange County

T: 1(714) 668-6200

Practice Areas

Energy
Artificial Intelligence
Employment Law
Workplace Retaliation and
Whistleblower Defense
Employment Litigation
Life Sciences and Healthcare
Litigation
Employment Counseling and
Preventive Advice

Admissions

California Bar

Languages

Spanish

Education

Arizona State University, B.S.
1988
Notre Dame Law School, J.D.
1992

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California Labor Code. After months of briefing and limiting the issues, the case proceeded to trial. The jury returned a unanimous verdict in favor of Dollar Tree in under an hour.

- **Flexera Software-Represented Flexera Software** when a former employee initiated a putative class action claiming millions of dollars in damages. Through a motion to compel arbitration, the class claims were eliminated. Next, through forensics it was determined the plaintiff had destroyed evidence, stolen company information, and fraudulently altered a key document. A cross-complaint was filed. In the middle of the arbitration hearing, during the plaintiff's cross examination, the plaintiff abandoned his claims.
- **Staffing Networks-Represented Staffing Networks** against putative Private Attorney General Act ("PAGA") action seeking many millions of dollars in penalties for alleged wage statement violations. When an opportunity was presented by a recent PAGA amendment, the alleged violation was cured, thereby mooting the claims. Plaintiff's counsel argued the claims, which were filed before the amendment, could continue. Through a number of procedural turns, in two different counties, the case was finally won when summary judgment was entered in the Staffing Networks' favor.
- **American Apparel - Represented American Apparel** in its defense against legal proceedings filed or instigated by its former CEO, Dov Charney. Recently, when Charney sued American Apparel and its Board Chair for defamation, Ms. Baca immediately filed a successful motion to dismiss and secured an award against Charney for more than \$100,000 in attorneys' fees. Ms. Baca is also representing American Apparel in its defense against Charney's arbitration demand seeking more than \$20,000,000 for his alleged wrongful termination (currently stayed).
- **Lockheed Martin - Represented Lockheed Martin** in a disability discrimination and wrongful termination matter. After the jury returned a defense verdict in less than 20 minutes, plaintiffs appealed. The higher court affirmed, but for the claims the trial court had dismissed without sending them to the jury, which went back to the jury. Plaintiff retained new counsel and the case was tried anew with changed theories from opposing counsel. Again, the jury returned a defense verdict within minutes.
- **UPS - Represented UPS** in more than 54 individual cases stemming from a successfully decertified class action alleging misclassification and meal and rest break violations. During an eight-year battle with a potential liability in the 8-9 figure range, oversaw all individual cases which resulted in 16 wins, 38 walk-aways, and defense attorney fees in 5 of the cases.
- **AIG - Represented an insurer** facing a novel misclassification claim, related to hearing officers. Rather than await the plaintiff's move, Ms. Baca elected the

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novel strategy of bringing a preemptive motion to deny class certification. The trial court granted the motion. Ms. Baca then immediately moved for summary judgment and successfully defended the ruling on appeal.

Accolades and Recognitions

- Benchmark Litigation & Employment Star (2019)
- The Daily Journal, Top Labor and Employment Lawyers (individually listed since 2010)
- The Daily Journal, Top Women Lawyers in California (2018)
- Chambers USA, Labor and Employment (individually listed since 2009)
- The Legal 500, Labor and Employment Litigation (listed since 2009)
- American Institute of Legal Counsel, 10 Best Employment & Labor Attorneys – California
- Best Lawyers in America, Employment Law
- Los Angeles Daily Journal, California's Top 75 Women Litigators and Top Labor and Employment Attorneys (listed since 2010)
- Super Lawyers list, including list of Top 50 Female Lawyers in Southern California (listed since 2005)
- Martindale-Hubble Peer Review Rated A/V®

Professional and Community Involvement

- Fellow, The Trial Lawyer Honorary Society
- Fellow, Litigation Counsel of America
- Board Member, National Center for State Courts
- Member, Diversity Law Institute
- Member, Trial Law Institute
- Ex-officio Lawyer Representative for the United States District Court, Central District of California
- Former Member of the Magistrate Judge Merit Selection Panel for the United States District Court, Central District of California
- Former Adjunct Professor, Pepperdine Law School, Civil Procedure and Complex Civil Litigation
- Former Board Member, Children Affected by AIDS Foundation
- Former Board Member, Hispanic American Bar Foundation
- Former Board Member, Human Rights Campaign

Education

Ms. Baca received her B.S. degree in Justice Studies with a minor in General Business from Arizona State University. She received her J.D. degree from the University of Notre Dame School of Law, where she was vice president of the

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Hispanic American Law Students Association, an officer of the Sports and Entertainment Association, and a research assistant and editor for two publications, *The Attorney General's Lawyer* and *The Complex Civil Litigation Manual and Textbook*.

News

May 01, 2020

Paul Hastings Practices and Lawyers Score Top Rankings in Chambers USA 2020

October 22, 2019

Paul Hastings Adds Traditional Labor Lawyer to Top Ranked Employment Law Practice

May 01, 2019

Paul Hastings Practices and Lawyers Score Top Rankings in Chambers USA 2019

May 11, 2018

Paul Hastings Practices and Lawyers Score Top Rankings in Chambers USA 2018

June 05, 2017

Paul Hastings Practices and Lawyers Score Top Rankings in Chambers USA 2017

June 08, 2016

Paul Hastings Practices and Lawyers Score Top Rankings in Chambers USA 2016

May 20, 2015

Paul Hastings Practices and Lawyers Score Top Rankings in Chambers USA 2015

May 27, 2014

Paul Hastings Practices and Lawyers Score Top Rankings in Chambers USA 2014

August 06, 2013

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Paul Hastings Defeats Misclassification and PAGA Claims Regarding AIG
Workers Compensation Hearing Representatives

June 05, 2013

Paul Hastings Extensive Practice Strength Highlighted in The Legal 500 United
States 2013

May 27, 2013

Paul Hastings Employment Practice Honored with Chambers "Award for
Excellence" and Firms Leading Practices and Lawyers Ranked in Chambers
USA 2013

June 07, 2012

Paul Hastings Excels in Chambers USA 2012 Guide

June 10, 2011

Paul Hastings Excels in Chambers USA 2011 Guide

June 01, 2011

Paul Hastings Soars in 2011 Edition of Legal 500 US

August 16, 2010

Best Lawyers Names 91 Lawyers to 2011 Edition of Rankings

June 14, 2010

Paul Hastings Garners Top Rankings in Chambers USA 2010 Guide

June 07, 2010

Paul Hastings Excels in 2010 Edition of Legal 500 US

January 06, 2010

Paul Hastings Selected as The American Lawyers Labor & Employment
Litigation Firm of the Year

June 17, 2008

Paul Hastings Attorneys Recognized as Super Lawyers and Rising Stars in
Northern California, Southern California, Georgia, Illinois, New York and
Washington, D.C.

May 22, 2007

Paul Hastings Attorneys Named Top Women Litigators by Daily Journal

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May 20, 2007

Paul Hastings Attorneys Recognized as Super Lawyers in Southern California, Connecticut, Georgia, New York, San Diego and Washington, D.C.

Insights

April 01, 2020

PH COVID-19 Client Alert Series: Q&A on the Employee Retention Credit

March 30, 2020

PH COVID-19 Client Alert Series: DOL Continues To Answer Questions About Families First Coronavirus Response Act

March 27, 2020

PH COVID-19 Client Alert Series: The CARES Act Stimulus Package III – What Employers Need to Know

March 27, 2020

PH COVID-19 Client Alert Series: Employers Must Post FFCRA Notices ASAP

March 24, 2020

PH COVID-19 Client Alert Series: Employers May Qualify for Significant Tax Credits and Government Reimbursements to Cover Paid Coronavirus-Related Leave

March 23, 2020

PH COVID-19 Client Alert Series: FFA: Potential Amendments to Paid Sick Time and FMLA Provisions Under Consideration

March 18, 2020

PH COVID-19 Client Alert Series: FFCRA: Overview

March 08, 2020

PH COVID-19 Client Alert Series: Employment Issues

August 20, 2019

The Impact of AI Legislation on Employment

March 26, 2019

Containing Risk and Seizing Opportunity: The In-house Lawyer's Guide to

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Artificial Intelligence

May 31, 2016

The New Federal Trade Secrets Law: Top Takeaways for Employers

May 19, 2016

Department of Labor Issues Final Rule Significantly Increasing Salary
Thresholds for Overtime Exemptions

March 10, 2015

Department of Labor Finalizes Rule for Handling SOX Retaliation Claims

February 15, 2012

Top Verdicts of 2011: *Marlo v. United Parcel Service and Related Cases*

August 30, 2006

"Cutting-Edge Labor and Employment Practitioners." *Diversity & The Bar*. By
Lloyd M. Johnson, Jr. January/February 2006

Rankings & Awards

May 01, 2020

Recognized by Chambers USA 2020

July 10, 2019

Recognized by the Daily Journal as Top Labor & Employment Lawyers for 2019

May 09, 2019

Recognized by the Daily Journal as Top Women Lawyers for 2019

April 26, 2019

Recognized by Chambers USA 2019

March 20, 2019

Recognized as a Rainmaker by the Minority Corporate Counsel Association

July 18, 2018

Recognized by the Daily Journal as Top Labor & Employment Lawyers for 2018

May 15, 2018

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Recognized by Chambers USA 2018

May 02, 2018

Recognized by the Daily Journal as Top Women Lawyers for 2018

July 19, 2017

Recognized by the Daily Journal as Top Labor & Employment Lawyers for 2017

June 05, 2017

Recognized by Chambers USA 2017

May 24, 2017

Recognized by the Daily Journal as Top Women Lawyers for 2017

July 20, 2016

Recognized by the Daily Journal as Top Labor & Employment Lawyers for 2016

June 08, 2016

Recognized by Chambers USA 2016

April 21, 2016

Recognized by the Daily Journal as Top Women Lawyers for 2016

June 03, 2015

Recognized by the Daily Journal's as Top Labor and Employment Lawyers for 2015

May 13, 2015

Recognized by the Daily Journal as Top Women Lawyers for 2015

May 07, 2014

Recognized by the Daily Journal as Top Women Lawyers for 2014

May 24, 2013

Recognized with an Award for Excellence by Chambers and Partners

January 02, 2013

Law360 Awards - Top Practice Groups of the Year

July 18, 2012

The Daily Journal, Top Labor & Employment Lawyers 2012

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May 09, 2012

Recognized by the Daily Journal as Top Women Lawyers for 2012

July 13, 2011

Recognized by the Daily Journal as Top Labor & Employment Lawyers for 2011

May 11, 2011

Recognized by the Daily Journal as Top Women Lawyers for 2011

January 01, 2011

Recognized among The American Lawyer's Top Women in the Law

July 14, 2010

The Daily Journal