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TRAILBLAZERS

EMPLOYMENT LAW

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PIONEER SPIRIT As a litigator, Rachael Meny chose employment law because she liked the balance of pre-litigation counseling, learning a company's business and litigating in the courtroom. "I enjoy understanding their business needs and strategy and can provide advice. And that's something that employment law allows me to do."

TRAILS BLAZED Meny successfully represented Google as co-lead counsel in an arbitration claim after former employee Anthony Levandowski, who worked in Google's self-driving Project Chauffeur, engaged in unfair competition after leaving the company to found self-driving truck company Otto—which later became Waymo and subsequently sold to Uber. Meny also successfully defended Instacart and Lyft in numerous class and collective actions that allege that the shoppers and drivers using the respective technology platforms should be classified as employees rather than independent contractors. "Employers generally lose these kinds of cases, but we are trying to push the law to where it should be under U.S. Supreme Court precedent." She also defended Netflix in a high-profile defamation and blacklisting lawsuit after plaintiff Michael Kyle took vendor kickbacks. "After filing a civil lawsuit and settling, a criminal case was filed, and a jury found him guilty on federal crimes based on the same underlying allegations. It's an example of how civil employment cases can turn criminal."

FUTURE EXPLORATIONS Meny has seen an increase in trade secrets and employee breach cases, including negative trade secrets matters, due to increased employee mobility. "It's gotten harder for employers to track where documents and information are going due to work from home. We will continue to see challenges in defining what reasonable requirements for preserving and protecting confidential information are, and the case law is not out there yet."