

Slaying the dragon

*Adaptable advocate
represents employees
today, employers
tomorrow*

By Carol Lundberg

Raymond J. Sterling speaks kindly, almost sympathetically, of his peers, those labor and employment attorneys who passionately and decisively choose sides.

He understands their singular focus.

He too once had it.

He cut his professional teeth representing only employers, and he did so with zeal and a highly competitive energy. But in recent years, the Farmington Hills attorney has become far better known for representing high-profile, high-stakes cases on behalf of employees, even though he has not given up his employer-representation practice.

And he doesn't want to.

"In this area of the law, you have a lot of people who are very dedicated to their cause," Sterling said. "Most attorneys who practice in this are passionate about the type of client they represent. They're very management-oriented or very employee-oriented. It's almost like a religion.

"Although I admire that, that's not me. I don't politically feel aligned with one side or the other. As an attorney, it's my job to be an advocate for my client."

All the same, when asked if he never feels conflicted about representing employers as well as employees, he pauses and leans back in the chair in his office's conference room.



MLW Photo by Carol Lundberg

"Representing an individual, I'm in a position where I can change their life. With a corporation it's never a make-or-break situation. But with an individual, I can literally save someone from living in a cardboard box."

— Raymond J. Sterling

Big cases, big payoffs

Farmington Hills attorney Raymond J. Sterling was once known for representing employers in labor disputes, but since 1987, he has represented both employees and employers.

In recent years, it's the employee representation that has captured the most attention, as Sterling has won some significant cases for workers.

He represented Erin Weber, an on-air personality for WYCD-FM, after she was fired for missing work. She said fumes from spilled acetone in her broadcast booth, which she was not allowed to leave, burned her sinuses.

The burns triggered allergic reactions to chemicals, including an allergy to a co-worker's perfume, causing her to be absent from work.

Sterling contended that Weber's employer had violated state and federal disability laws by failing to accommodate her allergy. A jury in 2005 awarded her \$10.6 million in *Weber v. Infinity Broadcasting*, though the court later reduced the verdict amount. The case settled in March of last year for an undisclosed amount.

Sterling represented Victoria Morton, who claimed her employer had laid her off based on sex bias. In 2000, he won a \$5.5 million verdict in *Morton v. Unisys Corp.*

Last year, he successfully represented Philip Martens in his high-profile breach-of-employment-contract suit in Wayne County Circuit Court against Plastech Engineered Products Inc. The verdict amount was more than \$10 million, Sterling said.

"Never is a really big word," he said. "There are a lot of gray areas in the law. A reasonable employer and a reasonable employee should be able to work it out without going to litigation."

But when all reason breaks down, clients seek him. Sometimes, it's clear to him that his client is completely in the right. But there are times it is far less clear, and he has to advise his clients that they're not being reasonable.

"I say, 'You're not entitled by law to the thing you're asking for. The other side is being generous, and you may want to take what they're offering,'" Sterling said. "But it comes down to this: The ultimate decision is theirs, my job is to fully support what the client wants as long as it's within the law."

Sterling recently opened his own practice. He left a mid-sized firm at which he had become known for taking on high-stakes, high-profile cases.

Operating on his own will let him do what he does best: "I like to play the dragon-slayer. I like to take those cases where I'm up against three or four or five attorneys that I know of, with more working back at the office."

He admits his clients find it a little unnerving.

"In the beginning of a case, I always tell a client, 'You're going to feel overwhelmed. The company has all the power, all the resources, all the money, all the attorneys,'" he said. "They feel very small at first, but I tell them we'll be the dragon-slayer and stick with it."

Singular ambition

Sterling prefers solo practice to playing on a team.

His career started in a normal fashion, in 1982, at Pepper Hamilton LLP. The firm's employment lawyers exclusively represented management.

After a couple of years, he went to Driggers Schultz & Herbst PC in Troy to continue practicing employment law, representing management.

But along the way, he started seeing weaknesses and flaws in his opponents. So he quietly began representing employees for a contingency fee.

"Representing employees on a contingency-fee basis didn't fit into the structure of the firm. The nature of the firm is corporate, so it wasn't well-accepted at the time," he said. "I didn't

keep any secret of it. I was just required to, and felt obligated to, do my hourly work by day."

Sterling did his employee representation mainly at night and on weekends.

His first contingency case was in 1987, as he represented a dining-room manager at a restaurant in Southeast Michigan. It was a sexual-harassment case, and he was able to get a settlement for the client, but at a cost to Sterling.

"I had to develop all my forms and strategies on how to do a plaintiff case," Sterling said. "I spent an exorbitant amount of time on it, and left no stone unturned. I learned a lot, and learned how to become more efficient."

He kept working and slowly expanding the controversial contingency side of his practice. The more successful cases he represented, the more the other partners at Driggers saw the value in his work.

He was the lead trial attorney in some of the largest employment discrimination verdicts in the state. (See "Big cases, big pay offs," above.)

In each case, Sterling said he thrived on the challenge of

working harder than his opponents, and in going up against powerful corporate defendants.

In mid-January, he took his lone dragon-slayer style one step further when he left Driggers so he could open his own practice, Sterling Attorneys at Law in Farmington Hills.

He's the only attorney he knows who represents both employers and employees, aside from Gerald Wahl, who will work with Sterling as attorney of counsel.

Sterling said the multilateral nature of his work gives him insight into the strategies and mentalities of employers and employees.

"If I'm representing a corporation, I know the weak points of the opponent, and the Achilles' heel of the employees, and I'm able to use that inside information to get a better result for my corporate client," he said. "On the other hand, I'm most proud of being able to reverse that when I represent employees. I know the weak points and know where they hide their documents and information."

"I know about some of the back-room deals that are made and put pressure points on the employer to get a better result for my employee clientele."

It's a model that works nearly every time, according to Sterling, who said he has lost only one of his cases that have gone to court. Approximately 20 percent of the cases he takes go to trial. And even in that one case, an age-discrimination suit, he was able to settle favorably for his client while it was on its way to appeal.

The plaintiff cases, Sterling said, are the most rewarding.

"Representing an individual, I'm in a position where I can change their life. With a corporation it's never a make-or-break situation," Sterling said. "But with an individual, I can literally save someone from living in a cardboard box."

"You're representing their family, their future, their economic well-being. You're representing them keeping their house and keeping their life together, their emotional well-being, and their marital relationships. You can make a bigger difference."