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Distinguished Leaders

Nancy Erika Smith

David Gialanella, New Jersey Law Journal

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High-profile cases are not new to employment lawyer Nancy Erika Smith of Smith Mullin in Montclair, but 2016 proved to be a particularly eventful year, as Smith's name appeared in connection with headline-making litigation.

In a putative whistleblower class action filed last December, Smith took up representation of plaintiffs claiming that Prudential Insurance Co. sold life insurance policies to Wells Fargo Bank customers without consent and through deception. The suit came in the wake of reports that Wells Fargo had been targeted by federal securities investigators for allegedly opening unauthorized accounts. (Prudential, for its part, denied the accusations against it).

Smith also began representing former Fox News anchor Gretchen Carlson, who claims network CEO Roger Ailes sexually harassed her during her time there. Ailes, a cofounder of Fox News who died earlier this year at 76, sought to have Carlson's suit, filed in Bergen County, moved to New York, and pushed for the claims to be arbitrated—both of which Smith opposed on Carlson's behalf.

Smith was an attorney for seven New Jersey Transit employees who in 2016 settled their racial discrimination suit against the agency for \$3.65 million.

She also represented the plaintiff lawyers' organization, New Jersey Association for Justice, as amicus in *Rodriguez v. Raymours Furniture Co. Inc.*—where last year the state Supreme Court held that an employee agreement may not serve to shorten the two-year statute of limitations for claims under the New Jersey Law Against Discrimination.

Over the years, lawyers and judges raising employment issues have been among Smith's clients, and she has been responsible for some sizeable recoveries.

Smith, through a spokesman, declined to provide answers to the Law Journal's questionnaire for Distinguished Leaders honorees. As a candidate in the New Jersey State Bar Association's 2013 election, Smith, in responding to a Law Journal Q&A at the time, offered the following thoughts: "My leadership style is to find and build consensus while remaining committed to my core principles: transparency, diversity, inclusion, and protecting and assisting those in need. For example, I was chair of the Labor and Employment Law Section, which has lawyers for employees and employers, for two years and during that time I was able to encourage collaboration and achieved numerous section objectives. Indeed, I have been on its executive committee for 30 years, and have always played an instrumental role in ensuring that the section focuses on initiatives that are consistent with my core principles. Similarly, over the years, I have consistently demonstrated my ability to persuade many people on various NJSBA committees to compromise and reach accord when needed." •

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