



## Catherine C. Smith

### Partner

Seattle

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## OVERVIEW

Catherine Smith is a partner in the firm's Labor, Employment, and Workplace Safety practice. She represents and counsels employers regarding a broad range of labor and employment issues including employee terminations and performance management, disability accommodation, leaves of absence, background checks and hiring procedures, wage and hour compliance, protection of trade secrets, union avoidance and administration of collective bargaining agreements.

As a member of both the California and Washington bars, Catherine has significant experience advising national employers with operations in California, Washington and throughout the United States.

Catherine represents employers in collective bargaining, union grievance proceedings and National Labor Relations Board proceedings. She assists employers prepare for organizing campaigns and respond to election petitions, counsels employers regarding compliance with federal labor laws, and counsels employers regarding labor matters in mergers and acquisitions.

Catherine has represented employers in state and federal court, mediation, arbitration, labor commission and other administrative agency hearings. She also assists clients with responses to pre-complaint demand letters and administrative agency charges, negotiating early settlements, and drafting cease and desist letters to protect employer trade secrets and enforce restrictive covenant agreements.

Catherine partners with the corporate practice group to assist clients with employment matters related to mergers and acquisitions. She regularly drafts and updates a variety of employment-related documents including employment policies and handbooks, offer letters and employment agreements, incentive compensation and commission agreements, non-compete, invention assignment and non-disclosure agreements, severance agreements, staffing agency agreements and independent contractor agreements.

Catherine has experience representing employers in state and nationwide wage and hour class actions and conducting wage and hour audits.

Catherine also has experience advising motion picture and television producers regarding their obligations under the various guild collective bargaining agreements, including SAG, AFTRA, DGA, WGA, AFM and IATSE.

## PROFESSIONAL BACKGROUND

Prior to joining K&L Gates, Catherine was Counsel at a Los Angeles, California law firm and focused her practice on labor and employment matters.

## ACHIEVEMENTS

- Recognized in The *Best Lawyers in America*® for Employment Law - Management in Seattle, 2024
- Named to the Washington Rising Stars List, 2015-2019
- Named to the Southern California Super Lawyers Rising Stars list, 2009-2011

## SPEAKING ENGAGEMENTS

- Employment Law 101: What Every Lawyer Should Know About Employment Law, 2019
- Microenterprise 101, Employment Law, Wayfind, 2015, 2016 and 2017
- Washington Employment Law Letter, FMLA Master Class, 2012
- Current Wage and Hour Issues, 2011
- Labor and Employment Law Breakfast, 2011
- The Lurking Dangers of California Employment Law, 2011

## ADDITIONAL BACKGROUND

Catherine externed for the Honorable Justice Carlos Moreno of the California Supreme Court.

Catherine has particular experience representing clients in the retail, hospitality, restaurant, manufacturing, financial service, telecommunications, entertainment, healthcare, pharmaceutical, software and payroll service industries. She has also counseled and represented public school districts and utilities.

## EDUCATION

- J.D., University of California, Berkeley School of Law, 2005 (*American Jurisprudence Award in Labor Law; California Law Review, Executive Editor; Berkeley Journal of Employment and Labor Law, Administrative Editor*)
- B.A., Mills College, 2001 (*Dean's List*)

## ADMISSIONS

- Bar of California

- Bar of Washington
- United States District Court for the Central District of California
- United States District Court for the Eastern District of California
- United States District Court for the Southern District of California

## THOUGHT LEADERSHIP *POWERED BY HUB*

- 1 August 2023, The Essentials - California Employment Law Update
- July 2023, International Reductions in Force: A Case Study
- 6 January 2023, Washington State Issues New Guidance on Pay Transparency Requirements for Job Postings
- 13 June 2022, Changes to Washington's Paid Family and Medical Leave Program Took Effect on 9 June 2022
- 14 October 2021, The Essentials - California Employment Law Update
- 1 October 2021, Employee Arbitration Update: The Ninth Circuit Reverses District Court's Conclusion That California Assembly Bill 51 is Preempted by the Federal Arbitration Act (FAA)
- 10 December 2020, Looking to 2021: Top Labor & Employment Considerations for Washington Employers
- 21 May 2020, "Ok, Let's Collab!" - When Saying "Yes" Includes Building Out Your Team of Employees, Freelancers, and Interns
- 15 April 2020, COVID-19: California Counties and Cities Enact Stricter COVID-19 Policies than California's Statewide Stay-at-Home Order
- 1 April 2020, COVID-19: Washington State Institutes Statewide "Stay Home – Stay Healthy" Order to Combat COVID-19
- 24 March 2020, COVID-19: Los Angeles County Issues Health Order and Guidance Prohibiting Gatherings of 10 Persons or More and Operations of Certain Businesses
- 24 March 2020, COVID-19: California Institutes Statewide "Stay at Home" Order to Combat COVID-19
- 18 December 2018, Working Wise: Five Tips to Prepare for a Union Organizing Drive
- 5 November 2018, #MeToo Movement Inspires Avalanche of New Laws Affecting California Employers
- 29 March 2018, Key Takeaways from the NLRB's Flip-Flop on Joint Employment Standards
- 20 October 2017, Recent Deluge of California Legislation Imposes New Requirements on Employers

## OTHER PUBLICATIONS

- Co-author, “Reversing Claims of Reverse Religious Discrimination,” *Employment Relations Today*, 2007
- Co-author, “Ninth Circuit Court of Appeals Affirms the Largest Class Action in History,” *Employment Relations Today*, 2007
- Co-author, “Employers Required to Proactively Inquire Into Employees' Eligibility for FMLA Leave,” *Employment Relations Today*, 2007
- Co-author, “2006 Supreme Court Year in Review,” *Employment Relations Today*, 2007
- Co-author, “The New Court: Predictions About the U.S. Supreme Court's Future Direction,” *Employment Relations Today*, 2006
- Co-author, “The Supreme Court Limits Public Employees' First Amendment Rights,” *Employment Relations Today*, 2006
- Co-author, “When is 'Unequal' Pay Not Really Unequal?,” *Employment Relations Today*, 2006

## NEWS & EVENTS

- 24 February 2020, K&L Gates Names 41 New Partners Across Global Platform
- 20 December 2019, K&L Gates Advises Beatty Marketing & Sales on Acquisition by Aspen Surgical Products
- 24 October 2019, K&L Gates Advises Global Infrastructure Partners on Paine Field Passenger Terminal Investment

## AREAS OF FOCUS

- Labor, Employment, and Workplace Safety
- Class Action Litigation Defense
- Collective Labor and Works Councils
- Employment Disputes and Investigations
- Employment Issues in Business Transactions
- Human Resource Advice and Compliance
- Mergers and Acquisitions
- Wage and Hour

## REPRESENTATIVE EXPERIENCE

- Representation of an American subsidiary of a Japanese steel pipe manufacturer, as lead negotiator for the client's initial contract with USW in Southern California and defended the client in related unfair labor practice charges. After more than three years of contentious negotiations and fighting through many unfair labor practice charges, the USW withdrew recognition in Spring 2017.
- Assisted a publicly-traded residential investment and property management company in responding to multiple union organizing drives in New York City. We counseled the client regarding its response to union picketing and other organizational activities, prepared campaign materials, counseled managers regarding their communications with the voting bloc, handled all filings and communications with the NLRB, negotiated election agreements, and advised the client regarding the conduct of the elections.
- Assisted a manufacturer in Washington with its response to an employee decertification petition, including advising the client regarding its response to the union's campaign activities and the avoidance of blocking charges, preparing talking points for employee campaign meetings, handling all filings and communications with the NLRB, negotiating an election agreement, and counseling the client regarding all mechanics of the election.
- Counseled a radio station in Seattle regarding union avoidance techniques and pre-campaign strategy in anticipation of a union organizing drive by SAG-AFTRA. The client successfully avoided the filing of a union election petition.