



# The worker's champion

Shannon Liss-Riordan represents cab drivers, baristas, exotic dancers, and waiters in class action lawsuits.

BY: [ALYSSA MARTINO](#)

July 15, 2013

**BOSTON-BASED LAWYER** Shannon Liss-Riordan has represented cab drivers, baristas, exotic dancers, and waiters in class action lawsuits, but as the new owner of a Harvard Square-based pizzeria she's hoping to set an example for the corporations against whom she spent the last dozen years fighting.

A Houston native and Harvard Law School graduate, Liss-Riordan's interest in public service law was sparked working for New York Congresswoman and 1970s women's movement icon Bella Abzug. Liss-Riordan eventually settled back in Boston to work at a labor and employment rights firm, and, four years ago, started a new firm, Lichten & Liss-Riordan, P.C., with longtime mentor Harold Lichten, focusing on class action lawsuits — particularly those involving workers deprived of fair pay by their employers.

Most recently, Liss-Riordan and her husband bought a franchise of the now bankrupt Upper Crust pizzeria after suing the chain for overworking and underpaying immigrant workers. The couple renamed their new eatery "The Just Crust," hiring displaced workers from its predecessor, using local ingredients and toppings, and vowing to make the restaurant a part worker-owned business.

*CommonWealth's* Alyssa Martino sat down with Liss-Riordan to discuss her legal work and her new ventures. Here is an edited version of that conversation.

**COMMONWEALTH:** What attracted you to cases surrounding employment issues and workers' rights?

**SHANNON LISS-RIORDAN:** I've always liked fighting for the underdog in our society and against the big powerful interests who think that because they're big powerful interests they can have their way. I found it really exciting to give a voice to those who have been traditionally dispossessed and really taken advantage of in our society. I try in my work to help literally balance the scales of justice.

**CW:** You've represented a diverse group of clients. Is there a common thread between them?

**LISS-RIORDAN:** We've seen the same scam happen over and over again, and that's how I've been able to build one set of cases off another. A particular model that's really been taken advantage of in order to push all of the expenses and risk of running a business onto employees is the independent contractor model. We've seen it with trucking companies, cab companies, cleaning companies, and strip clubs. By calling their workers "independent contractors," these businesses can make employees pay for their work and bear all of the risks, while the business owners just collect their money. We're looking at people working 70-80 hours a week, not even guaranteed to make minimum wage, not even guaranteed to make anything, and not making overtime for all those hours. I think that's wrong. Tips cases largely follow the same line because, once again, it's the employer turning to the employee to pay for something. Employers dig into tips to pay their managers, to pay their back-of-the-house non-service workers, and to pay for other things.

**CW:** Do you ever feel like there's a problem with the law, or even the system?

**LISS-RIORDAN:** It's sort of a combination, but there are some good laws on the books. Here in Massachusetts, our Legislature has been strong in standing up for workers' rights. Part of the problem is that there are laws out there that are not being fully enforced, and that's what our firm has worked very hard at doing: enforcing those laws.

**CW:** Should lawyers be the ones enforcing these laws?

**LISS-RIORDAN:** Well, private lawyers are a pretty effective means of enforcing laws. The way the world works is that government agencies are never going to be fully financed. I think what our state and federal enforcement agencies do is very important work, but they can't do it alone. The big corporations are always going to have deep pockets to pay lawyers to defend them, so it's really important there are advocates on the sides of the workers. The hope is that not every single business that's breaking a law has to be individually sued. But what I found happening with the tips law in Massachusetts, through my dozen years of litigating these cases, is that sometimes it wasn't enough for these restaurants and hotels to read about my cases in the paper. They all had to be individually sued before they would change their practices. I've asked myself for years why that was, and it's because it's so profitable to ignore the law.

**CW:** How do you decide if a class action suit is worth taking on?

**LISS-RIORDAN:** There's not really a science; it's more an art. One factor we look at is how big an impact the case would have. How many people would it cover? What's the size of the company? Could they support paying people back for this kind of violation? We also just look at what we consider to be important, or interesting, issues. Even if a case wouldn't affect a whole lot of people, [we think about] if it could set some important precedent that *could* in fact affect a lot of people, and then that's the kind of case that would also be interesting for us to take.

**CW:** One of your biggest victories was a \$14 million case against Starbucks for breaking a law prohibiting supervisors from sharing in baristas' tips. Did Starbucks put up a big fight?

**LISS-RIORDAN:** Yes. That case took five years. It was fiercely litigated on both sides, and I'm very pleased with the outcome. What happened after I won the case, and then got it affirmed by the court of appeals late last year, was that Starbucks changed their practices in Massachusetts and they took supervisors out of the tip pool. It's been reported that they raised their supervisors' pay by almost \$3 per hour, which is exactly the result I wanted to see. What's infuriated me about the whole tip fight is employers who have tried to pose it as a battle between different levels of employees, and that's not what it is. It's really a battle between the workers and the company over who was going to pay those extra wages to the supervisors. And, yes, I do think Starbucks can afford another 2-3 bucks an hour to pay its supervisors to make up for them not being in the tip pool.

**CW:** In 2007, you represented exotic dancers being misclassified as independent contractors at King Arthur's Lounge. Did you ever go there to research the case?

**LISS-RIORDAN:** I haven't actually been to King Arthur's, I have to admit. But I have been inside a strip club, so I do know what it's like. After the King Arthur's case, we have represented exotic dancers at a number of clubs in Massachusetts and other parts of the country, and I'm really proud to represent those workers. Some of the women who we have talked to are just doing an amazing thing supporting themselves, many of them as single mothers. There are a lot of problems, obviously, in the strip club industry with abuses—not just wage violations—against women who are basically forced into prostitution and are really vulnerable and taken advantage of in a lot of ways. To see them come together and enforce their rights in this very concrete way, which has a real impact on them and their coworkers, has just been really gratifying. Last week we got awards for these two individual dancers. One of them won \$70,000, and the other won \$60,000.

**CW:** How much of those awards go to the clients, and what percentage does your firm take?

**LISS-RIORDAN:** We do our cases all on a full contingency basis because the people we represent can't afford to pay lawyers. No one who comes to us has to pay anything up front or out of pocket. We take all of the risk on the cases. We use a standard contingency for all of our cases of one-third of what we recover.

**CW:** Do you think that some of these rulings might dissuade new businesses from opening in Massachusetts?

**LISS-RIORDAN:** I'm in a really interesting, unique position to answer that question because I now am part-owner of one of those businesses that just opened a few weeks ago. It certainly has not dissuaded us.

**CW:** Why did you buy one of The Upper Crust franchises?

**LISS-RIORDAN:** My husband and I decided we would just do our little part and we bought the Harvard Square location at an auction and pledged to make it a part worker-owned business. I'm really excited, and we're hoping to turn The Just Crust into a model for other businesses to follow. It's based on the premise that the employees who perform the work for an organization, particularly an organization that is so service-intensive, are vital to the success of the business. If the workers are well-treated, if the workers feel an ownership in what they do, they're going to be happier, they're going to do a better job, and the business is going to succeed and thrive.

**CW:** Both you and your clients seem to be everywhere in the media. Are you a publicity hound?

**LISS-RIORDAN:** I feel like every victory and undertaking is magnified if we can spread the word about it. So, yes, I like being in the media and I like getting the word out. It's really exciting having so many things to talk to the public about and raise awareness about all of these issues that are really important to our society, which a lot of people might not think about unless they read about it in the paper.

**CW:** Why did you put a bid out to buy the *Boston Globe* from the New York Times Company?

**LISS-RIORDAN:** I love the *Boston Globe* and read it religiously every morning. I think, with all the current focus on local products and services, people should be reading their local newspapers, and everyone who lives in the Boston area — no matter where else they also get their news from — should read the *Globe*.

Let me just say that I am really excited about the concept that I've begun with The Just Crust, experimenting with worker-owned business, and I'm looking at it in a number of industries. I'm looking at it in the cleaning industry, where I've, for many years, been battling these large national cleaning companies who have exploited immigrant workers. I'm seeing if there's something I can do there to help jumpstart a worker-owned cleaning business. Given that newspapers are based on the work and efforts of their employees, the reporters and the people who make them what they are, I think it's another really interesting area for modeling a part employee-owned business.