

MVP: O'Melveny's Robert Siegel

By Linda Chiem

Law360 (November 25, 2019, 5:09 PM EST) -- As one of the nation's foremost airline labor lawyers, O'Melveny & Myers LLP's Robert Siegel carried American Airlines to victory in a fight with its mechanics union over an illegal work slowdown and won an injunction for Atlas Air against pilots engaged in a similar slowdown, landing him among Law360's 2019 Transportation MVPs.

HIS BIGGEST ACCOMPLISHMENT THIS YEAR:

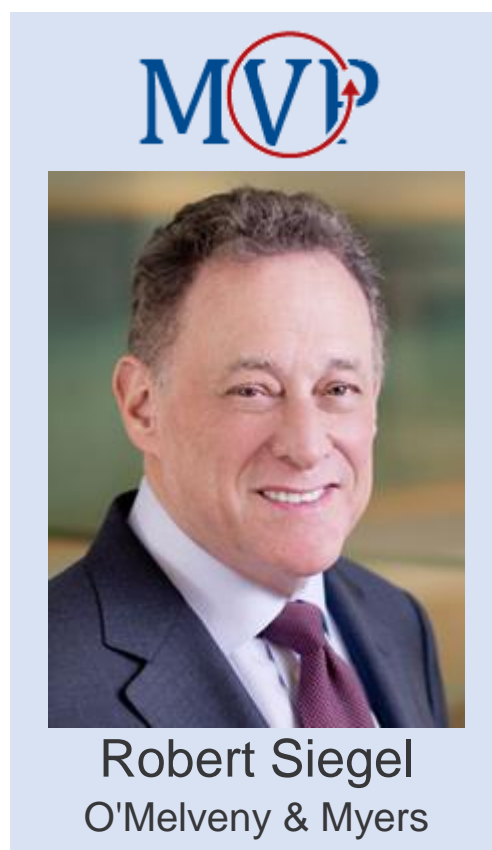
Siegel scored a major trial victory for American Airlines in August after convincing a Texas federal judge to permanently enjoin the airline's mechanics unions from engaging in "any form of interference" with the airline's operations.

U.S. District Judge John McBryde agreed with American's argument that the Transport Workers Union of America, AFL-CIO and the International Association of Machinists and Aerospace Workers were using illegal work "slowdowns" to gain leverage in contract negotiations, in violation of the Railway Labor Act.

American presented strong enough evidence indicating that from Feb. 4 and May 13, the unions' alleged campaign to slow down work caused 644 flight cancellations and more than 270 maintenance delays of two hours or longer, disrupting the travel plans of more than 125,000 flyers. The data also ruled out every other reasonable explanation for the slowdown, the judge said, ultimately determining that the injunction was necessary to benefit the public as well as the airline.

Siegel told Law360 that it was a significant win, given the widespread impact the flying public was experiencing.

"There was a lot of publicity and a very intense trial schedule to determine whether the mechanics were violating the RLA or not, and we prevailed," he said. "It was the basis for an injunction to curtail what we call an illegal disruption of operations for American Airlines."



HIS PROUDEST MOMENT THIS YEAR:

In another case that similarly involved a work stoppage and the Railway Labor Act, Siegel helped cargo carrier Atlas Air Inc. win a preliminary injunction from the D.C. Circuit in July against the International Brotherhood of Teamsters, the union representing Atlas Air's pilots.

The appeals court said Atlas had enough evidence to suggest that the Teamsters had encouraged its member pilots to alter some of their work practices, including calling in sick on short notice or refusing to work overtime. Additionally, pilots were encouraged to engage in a practice called "blocking out," in which they would wait to push back from a gate at the scheduled departure time, instead of when the plane is loaded and ready to depart, which might sometimes be earlier, according to court documents.

Atlas accused the Teamsters of changing the status quo to disrupt Atlas' operations just enough for the union to gain leverage over Atlas, and another carrier Polar Air Cargo Worldwide Inc., during negotiations over an amended collective bargaining agreement. The court said it qualified as a "major labor dispute" that justified the court stepping in to enjoin the slowdowns and work stoppages.

"It helped solidify the law under the Railway Labor Act about what is or isn't permitted," Siegel said. "Because it's a prominent court of appeals addressing that issue, I'd put that on the list of proud moments for the year."

WHAT MOTIVATES HIM:

Siegel said he's had the "good fortune" of litigating Railway Labor Act challenges going back years, and he finds it extremely gratifying to help shape how the law is interpreted for years to come.

As co-chair of O'Melveny & Myers' aviation industry group, Siegel and his litigation practice also cover disputes over the National Labor Relations Act, arbitrations, labor negotiations, National Mediation Board and National Labor Relations Board matters, as well as employment law litigation and counseling.

"I keep getting involved in new issues, and so it never seems like it's the same old thing," he said. "We are frequently addressing at least new fact patterns, if not new legal questions, as the industry evolves. I find it intellectually and professionally challenging and gratifying."

He added: "I haven't gotten bored yet."

HIS ADVICE FOR JUNIOR ATTORNEYS:

While junior attorneys might focus much of their attention on familiarizing themselves with the finer points of case law in their chosen practice, Siegel said it's also important for attorneys to be well-rounded and well-informed on industry trends.

"We all try our best to become experts in the legal field that we're practicing in, but I think the extra value is becoming an expert in the industry that our clients are involved in," he said. "Our added value is not just to be experts in the Railway Labor Act, which we are, but also experts in the airline industry and the kind of practical problems the industry faces in connection with these legal issues."

— As told to Linda Chiem

Law360's MVPs are attorneys who have distinguished themselves from their peers over the past year through high-stakes litigation, record-breaking deals and complex global matters. A team of Law360 editors selected the 2019 MVP winners after reviewing nearly 900 submissions.

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