

MVP: Morrison & Foerster's Tritia Murata

By Danielle Nichole Smith

Law360 (October 7, 2020, 3:31 PM EDT) -- Morrison & Foerster LLP partner Tritia Murata helped Ralphs Grocery score a trial victory in a case over California's suitable seating requirements, the first such trial of its kind following a landmark Golden State high court ruling, landing her a spot among Law360's 2020 Employment MVPs.

WHY SHE BECAME AN EMPLOYMENT ATTORNEY:

When Murata attended the University of California, Los Angeles, School of Law, she initially thought she would become a corporate lawyer.

"I loved numbers and math and organization and precision, and I figured I was going to be a transactional attorney and definitely not a litigator," Murata said. "And then I became a summer associate at Morrison & Foerster."

"I had gone straight from undergrad into law school, and I didn't have a lot of real-world experience so I wanted to make sure that I was leaving all of my options open. I made the decision to be open to trying anything and everything so that I could learn as much as I could in every possible area and not miss out on an opportunity to find something that I was passionate about just because I never tried it," she said.

"I'm really grateful that I did that, because at the end of the summer, to my great surprise, I knew I wanted to be an employment litigator," Murata added.

Murata said the employment cases she worked on were the most interesting to her during her summer at Morrison & Foerster, where she has remained for her whole career.

"I think equally importantly, or maybe even more importantly to me, were the people in Morrison & Foerster's employment group," Murata said. "I really felt like I had a good fit there and somewhere where I wanted to make my work home and my work family."



HER GREATEST ACCOMPLISHMENT THIS YEAR:

In March, Murata helped secure a trial win for Ralphs Grocery Co. in a so-called suitable seating suit in which the plaintiffs were seeking significant penalties under the California Private Attorneys Generals Act — the first such case to go to trial since the California Supreme Court's 2016 ruling in *Kilby v. CVS Pharmacy Inc.*, she said.

California law requires that retail workers be given suitable seating where their work reasonably allows it. In *Kilby*, the high court clarified that employers have to provide seats if the tasks at a given workstation, rather than all the tasks a worker performed each day, could be done sitting down.

But ultimately California Superior Court Judge Patricia D. Nieto found seats weren't appropriate given the type of work that Ralphs cashiers, like the plaintiff in the case, performed.

"This kind of a trial hadn't been done before. I think PAGA trials in general are not as common as other trials in other kinds of employment cases, so it was new in that respect, and also new in the respect that no case that alleged suitable seating violations had gone to trial since the California Supreme Court decided *Kilby v. CVS* in 2016," Murata said.

"An important part of case strategy and our trial strategy was really being able to demonstrate to the court that the nature of the work that Ralphs' cashiers perform is so incredibly dynamic that it does not reasonably permit the use of seats," she said. "They are constantly moving both within the check stand and outside of the check stand. They're being active and productive in between transactions and there's always something for them to be doing."

Murata also said the idea of safety played an important role in the case, adding that it was a "core value" at the grocery chain.

"Ralphs is so deeply concerned about the safety of its employees and its customers," she said. "Here the evidence really clearly showed that providing seats to cashiers in the check stands would be unsafe."

HER PROUDEST MOMENT:

Murata said that Judge Nieto ruling in favor of Ralphs at the bench trial was "possibly the most exciting moment of my legal career to date."

"I was proud of the victory, but I was in particular just very proud of and grateful for the contributions of every member of the trial team," she said. "I think from the staff to secretaries all the way up to the other partners and senior counsel on the team, everyone really pitched in and contributed tirelessly to achieve this win for the client."

HER BIGGEST CHALLENGE THIS YEAR:

One of the more challenging aspects of this year has been adapting to the new realities caused by the coronavirus pandemic, Murata said.

"Honestly, I think that my biggest challenge is probably similar to a lot of people's biggest challenge right now and that's trying to balance and successfully navigate this new remote work situation while also personally having a second-grader and third-grader doing remote school at home," Murata said. "It's something new that we're learning to juggle and find ways to be flexible with one another in the workplace because we're all facing new challenges now."

Murata also noted that managing teams working remotely presents different challenges than when they were in the office and could "just talk next door and discuss strategies."

"And certainly developing a new skill set to effectively litigate cases remotely, including remote oral arguments by video and depositions by video, both in terms of presentation and technology, has been a challenge that I think that all litigators faced rather unexpectedly this year," she said.

HER ADVICE FOR JUNIOR ATTORNEYS:

Murata advised early-career lawyers to take ownership of their work.

"Taking ownership of your matters is just one of the most valuable things that a junior attorney can do as part of a case team," she said. "Instead of focusing just on a discrete task that's been assigned, think strategically about how that work fits into the broader picture and strategy of the matter that you're working on."

Another piece of advice Murata had for junior attorneys echoed a famous line from William Shakespeare's "Hamlet."

"Be true to yourself and develop your own authentic, personal style of lawyering," Murata said. "There are so many amazing lawyers out there and so many ways to be successful, and I encourage junior lawyers to take every opportunity to observe attorneys that they admire while the attorneys are in action, incorporating into their own personal style what works for them and making it their own, but not feeling like they have to force themselves to emulate something that feels unnatural to them."

— As told to Danielle Nicole Smith

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 2020 MVP winners after reviewing more than 900 submissions.