

'Sledgehammer Shannon:' The attorney taking on Uber and others in the sharing economy

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Courtesy of Shannon Liss-Riordan

She's been accused of trying to shackle the sharing economy. Blamed for threatening an entire business model. Even denounced for destroying hundreds of flexible jobs.

Yet [Shannon Liss-Riordan](#), the powerhouse attorney who is leading the potentially far-reaching and highly charged [class-action suit against Uber Technologies Inc.](#) in defense of drivers, remains unfazed by the criticism.

“This case could be industry-changing, and in a sense, I think we've already had that impact,” she says from Boston, where she's practiced law for 17 years — the

last six at plaintiff-side employment and labor law firm [Lichten & Liss-Riordan P.C.](#) “The most recent ruling effectively means every other company who does this is going to a jury. They’re not going to get off the hook.”

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She’s talking, of course, about the [Sept. 1 decision](#) by a federal judge that granted class-action status to her lawsuit in California against San Francisco-based Uber — upping the stakes for the app-based ride-hailing company in the case.

It’s a “major victory,” she says, that could swell the number of potential California plaintiffs in the suit claiming Uber drivers are incorrectly classified as independent contractors when they are actually employees. [Abby Horrigan](#), Uber’s managing counsel for employment, [disputes the likely size of the class going forward](#) and says the company “will likely still appeal because partners use Uber on their own terms, and there really is no typical driver — the key question at issue here.”

Nevertheless, “because of this, a lot of other companies are watching,” Liss-Riordan says, “and are making decisions on what to do.”

Indeed, the repercussions are already playing out. In recent weeks, for example, several like-minded startups have shifted gears, announcing they will convert their freelance workforce to full-fledged employees. Among them: in-home butler service [Alfred](#), urban valet-parking service [Luxe](#) and shipper service [Shyp](#).

“I’ve been heartened to see that some companies are going the other way and reclassifying contractors as employees to avoid legal challenge,” she says.

After all, that is the intent. Always has been, really.

Liss-Riordan, 46, has made a career of representing thousands of workers ranging from baristas to strippers. The underdog always her client of choice.

It's been that way from the start of her career in wage-and-hour law, which began with a phone call from a waiter at a fancy, well-known Boston restaurant in 2001, a few years after she started practicing at a predecessor firm.

“He told me his manager was taking a share of his tips and asked me if that was legal,” she recalls. “So I checked it out and found a tips law that had been on the books since 1952 but never challenged. It had been flagrantly violated across the industry.”

Liss-Riordan took the case, and sure enough, workers kept coming to her with similar stories. One case led to another and the ripple effect multiplied. “Before I knew it, I’d sued almost every high-end restaurant, hotel and country club in Boston,” she says.

Originally from Houston, Liss-Riordan believes she “naturally gravitated toward labor law,” thanks to a strong penchant for civil justice issues.

She came to the Boston area to earn her A.B. at Harvard College, then went on to Harvard Law School, where she earned her J.D., cum laude, in 1996. And between her undergraduate and law school studies, she helped organize voting drives and women’s rights rallies in New York. She worked for a time for [Bella Abzug](#), the enduring civil rights activist, feminist and Democratic U.S. congresswoman — who also was a labor lawyer before her political ambitions took hold.

“Abzug was definitely one of my inspirations. Through that work, I was able to see how the law could be an effective instrument to promote social justice,” Liss-Riordan says. “So when I went to law school, I had a pretty clear view of what I wanted to do.”

One of her most famous cases to date involves that line between employee and contractor, which can be misinterpreted (for tax purposes, the [IRS](#) has used a 20-factor test to determine it). And in most states, the definition hinges largely on how much control a company has over a worker’s day-to-day decisions and activities to do a job.

The company she took on in the case was FedEx Ground and Home Delivery. The package-delivery giant had been classifying its drivers as independent contractors and not employees — even though, she argued, they had to buy and wear FedEx uniforms, drive trucks with the FedEx logo and pay for their own gas and expenses. A Massachusetts judge ruled in Liss-Riordan’s favor in the case, one of a number of lawsuits against FedEx at the time, 10 years ago. (FedEx has now successfully appealed, and it is back in court).

Another notable success came in 2011, when she won a Massachusetts case against Starbucks for forcing baristas to share their tips, resulting in a \$14 million judgment and a \$3-an-hour raise for managers.

In 2009, she won a judgment against a Massachusetts strip club for misclassifying its exotic dancers as contractors.

And in 2008, she successfully sued American Airlines for skimming \$2 from the skycaps picking up luggage at Boston’s Logan International Airport, saying that it deprived them of tips because a lot of passengers thought the fee substituted for the tips they had been receiving. The case was reversed on appeal, though she did succeed in changing the policy challenged. During that case, one of the skycaps fondly called her “Sledgehammer Shannon,” a nickname that stuck — and one that doesn’t really bother her.

“I guess I like it to the extent that it means I fight hard for people and what I believe in,” she says. “I’m a pretty passionate and driven person, and it can be incredibly rewarding to successfully fight for the underdog.”

And in an ironic twist for someone who’s spent more time suing restaurants and service businesses than managing them, Liss-Riordan personally came to the rescue of a Boston-area pizza chain: After leading an overtime-pay suit that pushed the chain into bankruptcy — one of the more egregious cases she’s ever witnessed — Liss-Riordan turned around and bought its Harvard Square location in Cambridge, Mass., at auction.

Liss-Riordan aptly renamed the business [The Just Crust](#). She reopened it in 2013 with a motto of “Doing Pizza Justice,” boosting employee wages and promising them a share of the profits.

“It’s a bit of an unusual undertaking, I know,” she admits. “But hopefully it inspires some people with the fact that you *can* do things the right way.”

Back at her desk, Liss-Riordan continues to spread the word among Uber drivers that they can still participate by contacting her, even if they’re not automatically included in the class based on the court’s class certification order. So far, she’s heard from a couple thousand — and expects more.

As she juggles a dozen sharing-economy cases of similar dispute, she explains the ultimate goal — with perhaps a gentle warning.

“I just hope this work and the success we’re having will help turn the tide for more companies to see the future of the decisions they make,” she says.

Supporters consider her a champion of lower-wage workers’ rights; will she also come to be known as the savior of the gig-economy’s contractor workforce? Or, as critics charge, is she the ambulance chaser of labor law?

Whatever happens, it begs the question: Could the Uber case be her defining moment?

“I can’t predict yet my defining moment,” she laughs, adding: “Of course, I haven’t given my closing argument in the Uber case yet, either.”

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