

Chicago Daily Law Bulletin®

Volume 163, No. 37

Serving Chicago's legal community for 162 years

Who universities bring to the bargaining table

Labor lawyer Anna Wermuth of Cozen O'Connor has become the go-to outside counsel for colleges

BY LAUREN P. DUNCAN
Law Bulletin staff writer

If you ask some of the attorneys at a few of Chicago's universities who they turn to for outside help on labor and employment matters, there's a good chance you'll hear Anna Wermuth's name come up.

Wermuth, 47, is a partner at Cozen O'Connor who co-chairs the firm's higher education industry practice group and is vice co-chair of the firm's labor and employment department.

Her roster of clients today includes the University of Chicago, Northwestern University, DePaul University and Roosevelt University. Other Cozen higher-education clients include Columbia College Chicago, National Louis University and Loyola University Medical Center.

Wermuth has been working with universities for more than 15 years. She started in general labor employment law when she joined Meckler Bulger Tilson Marick & Pearson LLP in 2000, gradually finding a niche in higher ed. That firm merged with Cozen in 2015.

In more recent years, her practice has become increasingly busy as private universities have seen increased interest among constituents in unionizing.

In one well-known case, Wermuth along with a team at Meckler Bulger Tilson secured a unanimous National Labor Relations Board decision in which it dismissed a petition by football

players at Northwestern University who were attempting to form a union.

In other matters, Wermuth serves as the chief negotiator representing schools in working with newly formed unions in agreeing on collective bargaining agreements.

Long before Wermuth became an established attorney in labor and employment work involving universities, she was familiar with the operations of higher ed from a different viewpoint. Wermuth grew up with a professor for a dad, a faculty member at Indiana University and Purdue University. She went on to be an adjunct professor herself, when she taught Spanish at Harold Washington College in the early 1990s before she decided to pursue law school, where she graduated from Loyola University Chicago School of Law in 1999.

It was following law school, when Meckler Bulger Tilson partner Joseph E. Tilson was looking for a new attorney to join his team, when Wermuth found herself once again headed into the world of higher ed, only this time from a legal perspective rather than academic.

Tilson turned to U.S. District Judge Rebecca R. Pallmeyer, who recommended he hire Wermuth, who had been clerking for her. Tilson said it was "very obvious to me that [Wermuth] was a can't-miss talent."

She joined the firm in 2000 when Tilson's book of business included the University of



Anna Wermuth

Chicago and Northwestern University.

Since joining the firm, Wermuth has become a leader of its higher education practice, which she said was strengthened through the merger with the Philadelphia-based Cozen, which had a practice dedicated solely to higher education.

"It was a nice synergy when we started talking to one another, in part because of their dedication to this practice area," Wermuth said. "They have demonstrated a continuing commitment and we're looking to expand our higher ed capabilities. We are very much dedicated to this space in terms of representing universities and colleges and we're growing it."

Wermuth developed her own practice by first taking Tilson's advice to join bar association committees on labor and employment law. She's gone on to hold leadership roles on both American Bar Association and Chicago Bar Association committees.

Both Tilson and Wermuth said that private colleges and universities are unique in their special labor and employment needs. For example, when it comes to negotiating a collective bargaining agreement for a group of adjunct professors, the negotiations can be complicated by the fact that one adjunct professor might have a far different workload than another.

"I think that when Anna became involved with some of our university clients, it became infinitely clear that she had a deep

understanding of the issues faced by universities and their special needs, and she really had a good pulse on the culture at universities, which is different than corporate America," Tilson said. "She combines extraordinary academic ability with a very warm and engaging personality, and she instantly bonds with clients and really makes an effort to understand their needs and find practical solutions to their problems."

Some of those special needs include a heightened interest by outside unions in higher education in recent years, Wermuth said. For example, there's been an increased movement toward graduate students organizing after the NLRB decided last August that graduate students can unionize and bargain with their private universities. Student workers at some schools across the country have started working with the Service Employees International Union, which has promoted the movement of graduate students organizing.

"There's been a shift recently in labor organizing," Wermuth said. "The current labor board ... has really taken an interest in higher education and some of the unions have taken an interest in higher education, so there has been a national movement to organize certain populations on college and university campuses. Because those groups are getting organized, there is a lot of work to do."

Wermuth is also busy serving as the University of Chicago's chief negotiator for the school in working with its two new non-tenure-track faculty member unions and she's currently representing Northwestern in a pending matter regarding adjuncts petitioning to organize.

When she's not representing universities at the bargaining table, Wermuth can be found handling a variety of matters including tenure denial cases, labor grievances and negotiations, employment discrimination litigation, student discipline cases and more.

Tilson credits Wermuth's deep understanding of the issues faced by the schools. He also

attributed the growth of both the firm's and Wermuth's practice to word-of-mouth.

"I think that the university in-house lawyers are a very tight-knit community and when one university is receiving extraordinary representation from lawyers like Anna, the word spreads," he said.

According to Priya J. Harjani, deputy general counsel at Northwestern University, that's exactly the case.

Harjani explained that higher education is a unique area because it deals with many of the same issues that a Fortune 500 company would face, such as real estate and intellectual property matters, to name a few, but at the same time its staff is unique, and there is no "one prototypical type of employee," she said.

Because of the unique under-

standing required of the work, Harjani said attorneys working in-house at some schools will refer one another to Wermuth.

"She's really over the years began to understand and now kind of master higher ed," Harjani said.

A part of that mastery Harjani credited to Wermuth's ability to know both the small details and big picture of labor and employment matters. A second reason Harjani said she thinks has led to Wermuth's success is her personality. Harjani cited Wermuth's social skills, including strong listening skills, as to why she's seen success in representing schools.

"She's obviously a good attorney, but there's a lot of good attorneys out there. Besides being utterly competent, she is very personable, and that helps when

you're dealing with witnesses," she said. "She helps put people at ease, and I think that's an important soft skill that not all attorneys can do well."

At the University of Chicago, Vice President and General Counsel Kimberly P. Taylor said much of Wermuth's work has required her to get to know inside processes of the university's departments and the intricacies of higher education.

As she learns the challenges of one school, the lessons learned might be applied to another school, Taylor said, which means representing one university might help Wermuth in another school's matter.

"We all have the same issues and we also have very different situations," Taylor said. "We are certainly in a tug-of-war for her time and attention, but we are all

willing to be in that tug of war, because when you work with Anna, there is not a doubt in your mind that she is all in when she's talking about our people, she knows the people by name, she knows her negotiating team well. She is incredibly invested," she said.

While Tilson still works alongside Wermuth on many higher education matters, he said she's become a leader of the firm's labor and employment issues involving college and universities.

"She's emerged as the leader of it," he said. "From the earliest stages of her career, she has demonstrated an extraordinary ability to attract clients."

"She has a passion for her work and her clients that you rarely see in lawyers these days," he said.