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Profile: Jennifer Reisch

Activist turned advocate goes all in for low-wage and immigrant workers

BY STEPHEN ELLISON

Describing a person as an advocate sometimes paints a broad stroke, but it's hard to find another word to best characterize Jennifer Reisch.

A self-proclaimed "movement lawyer," Reisch currently serves as of-counsel for Bryan Schwartz Law in Oakland, but she has much more on her plate in the advocacy arena, as well as her own ideas on perhaps developing a new genus of plaintiffs' lawyer.

"I'm trying to figure out how I can best harness my skills, my experience and my energy to be able to make meaningful contributions to the movements for racial and economic and gender justice in a way that will be sustaining and sustainable, for me personally and for my family," she explained. "One of the amazing things to me is that I get to do interesting work and make a living at it. I get to feel connected to other people who I'm working with and who I'm advocating for or alongside. I want to be able to continue to think even more creatively about what kinds of roles I could play in the future ... to try and figure out what role I can play as a kind of strategic, collaborative adviser-slash-supporter of campaigns or projects, where my expertise and my skills and my relationships could add value to those efforts."

In the meantime, Reisch has been setting up her own practice, doing the consulting work for the Schwartz firm and working on other cases and projects via contract with another East Bay plaintiffs' firm, Feinberg, Jackson, Worthman & Wasow. She also said part of her time these days is spent back in the classroom, so to speak, as a teacher, something that provides a connection to the next generation of



Reisch

around low-wage workers' policy issues in California," Reisch said. "That was a lot of fun. It rekindled my desire to look for ways I could be connected to law students. ... It's always somewhat humbling to remember how hard it is to teach. But it's also a confidence builder in the sense that we work with students who haven't done this yet, they haven't been a lawyer yet. There's so much that I've learned through the last 20 years of practice that was never taught or even talked about at law school, and getting a chance to convey even just a tiny fraction of that and feel like you're making an impact ... that just feels so good."

Reisch prefers not to use "specialist" in describing her position of focus, which is low-wage workers' and immigrant workers' rights, and she said a hundred percent of her time these days is spent on cases. Most of her time, in fact, has involved working on either cases or legislation or other campaigns that are primarily for the benefit of low-paid workers, she said. Ever since law school at UC Berkeley and immediately after graduation, Reisch has been interested in those areas of employment law. She was

lawyers. "I taught a course, a short intensive course at UC Irvine this past January; it was a class that I was invited to design and teach basically whatever I wanted, and I decided to do something

inspired partly by her own experiences seeing the unfair and sometimes abusive conditions many such workers face.

"I worked in restaurants, and after college, I roomed with a man who was an undocumented immigrant and was working in the kitchen of a fine-dining establishment in San Francisco," she recalled. "He was treated in a way that I just felt was horribly exploitative, and yet there was really very little he could do about it. He could have been fired at any minute and have no right to seek reinstatement. And the prospect of suing an employer when you're trying to stay in an industry that's very tight-knit – that was never something that crossed his mind."

Bicoastal activist

Raised in New York and Maryland, Reisch was a participating activist by age nine, attending demonstrations with her parents in Washington, D.C. She recalled it as a "family affair," protesting issues such as "Reaganomics" and the dismantling of social welfare, and rallying against apartheid in front of the South African Embassy.

After spending her primary school years on the East Coast, young Reisch moved with her family out to California and attended Tamalpais High School in Mill Valley. While her parents raised her to be socially conscious and to speak up about injustice, her activism evolved into issues that mattered to her as a teenager at the time. She joined Students for Social Justice and became engaged in movements around reproductive justice such as the Pro-Choice campaign.

"When I was 15 years old, I gave a speech at the big women's pro-choice march in San Francisco, and at the time, we were specifically protesting the gag rule



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(President) George (H.W.) Bush had put into place,” Reisch said. “That kind of parlayed into going to college, and actually, my college entrance essay was basically an adaptation of that speech. So, throughout my upbringing, I always imagined that whatever I would do professionally or for work would be some sort of extension of that.”

Reisch returned to the East Coast for her undergrad studies, earning a bachelor’s degree in history from Yale. When she graduated, she had her heart set on being in California again, but she didn’t jump on a jet in her return to the Golden State. Instead, she rode a bicycle 3,000 miles across the country with Habitat for Humanity. She called the fundraising and awareness trek “an amazing experience,” seeing different states and cities across the U.S. while participating in building homes.

Career shifts

Once back on the West Coast, Reisch thought about law school but didn’t want to jump right in. So, she decided to take a few years to explore different areas. She worked in public health and actually contemplated going in that direction.

“I was really on the brink of applying to the graduate program in public health and social policy, and then I decided while these issues are certainly important to me and they’re interesting, what if I wake up one day and I’m saying, ‘Oh my god, this issue about housing is really urgent, and it needs to be addressed’ or something to that effect,” Reisch recalled. “I felt like (law school) was really going to give me the best equipment to be able to work on issues, and work with people, that a graduate degree in policy was not going to offer. So, I last-minute changed course and took the LSATs again and then applied to law school, and I was very, very glad that I did that.”

Out of law school, Reisch did a public interest law fellowship with Public Advocates Inc., where she got her first taste of civil rights law by working on *Williams v. State of California*, a landmark civil rights and education case that challenged the way California funds public schools, specifically

REDIRECT:

Getaway Spot: Western Sonoma County/Russian River area (where I got married)
Go-To Music or Artist: Nina Simone, Stevie Wonder, Rebirth Brass Band, Jarabe de Palo and Iron & Wine

Recommended Reading: Essays, articles, and short stories in *The New Yorker*

Dream Job: Run a modern-day (French) “salon”

Words to Live By: “Power concedes nothing without a demand. It never did and never will.”
 — Frederick Douglass

how English language learners’ access to education was limited by lack of funding.

After about a year, she was hired by Bahan & Associates, where she got her first real exposure to immigration workers’ rights with a class action case against Albertson’s and other supermarkets for wage and hour discrimination involving the store’s janitors. In that case, Reisch participated in the investigative and discovery stage.

“There was a tremendous amount of transnational organizing really as part of bringing this class action against the supermarkets. And it also exposed me to all kinds of things from wage and hour litigation to the challenges and issues of representing undocumented immigrants in those kinds of cases,” she said. “That case led to a precedent, not only in terms of issues around undocumented immigrants and their wage and hour rights, but also because it was brought as a case against the supermarkets’ joint employers because (the janitors) were all hired and paid through these contractors and subcontractors.”

Inspirational cases

Perhaps the most significant stint of her career came when she joined Talamantes Villegas Carrera in 2005. For seven-and-a-half years, Reisch’s practice focused almost entirely on representing immigrant workers in employment cases. Eventually, she landed her first jury trial, a 2012 case in San Francisco involving sexual assault and sexual harassment of janitorial workers on the job.

Reisch was co-counsel, delivered closing arguments and said the case was an important turning point in her career. Equally important was its impact on the janitorial industry and how companies must now have written policies against sexual violence and sexual harassment.

“That case, after it was over, really inspired and catalyzed a whole movement of immigrant women workers,” as the janitorial union started to discuss the issues of sexual violence and sexual harassment, Reisch said. After an appeal, the case eventually settled in 2015, but in the meantime, it spurred a documentary film titled “Rape on the Night Shift” produced by Frontline for the Public Broadcasting System. The film aired nationally, documenting the chronic and pervasive problem of sexual violence in the janitorial industry.

“So, when that documentary came out and people saw it, workers started talking about it, and people started talking about it,” Reisch said. “By 2016, here in California, we developed and introduced legislation for the first time. That was historic anti-sexual harassment legislation. ... It did not come about without some significant resistance at the ground level, but it was the women worker leaders themselves who really pushed and went on a hunger strike and camped out in front of the Capitol while they waited for Gov. (Jerry) Brown to sign this bill.”

Reisch and her partners helped work on the bill and helped organize support for the movement that the workers dubbed Ya Basta! or Enough is Enough! It all happened long before the MeToo movement, long before sexual harassment in the workplace became associated with Hollywood and Harvey Weinstein, Reisch said.

“Before that became sort of a thing on social media, these women (janitors) were literally taking to the streets but also really organizing themselves and starting to address these issues in this holistic way,” she said. “They were taking self-defense classes, and they were starting to talk about gender issues that started in their home and in their community. It was really inspiring.”



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Currently, Reisch is working on a race discrimination, hostile work environment class action case against Tesla in Alameda County. For Schwartz Law, she is representing Black production employees who work at the car maker's Fremont factory.

Enjoy the ride

When Reisch is not working she enjoys as much time as possible with her twin seven-year-old daughters, and much of that time is spent

outdoors, on the beach or in the hills, or just enjoying live music at a go-to outdoor venue. She loves wine, is an avid cook and longs for the days of dinner parties, she said. A competitive swimmer when she was young, Reisch also tries to get some pool time when she can fit it in.

Her advice for law students or young lawyers is to stay curious, listen and practice compassion towards themselves and others.

"Learn how to step up and when to step back, whether you're in a meeting with

colleagues, arguing in front of a judge or dealing with opposing counsel," Reisch said. "Look for ways to connect with others and find humor, if not joy, in the struggles we face to sustain ourselves for the long haul and help our clients overcome injustice they have suffered."

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