

From the COVID-19 Bunker: Latham's 'Soccer Moms' Michele Johnson and Jamie Wine

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By Vivia Chen
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Michele Johnson with her family in Orange County, California.



Jamie Wine with her family in Vermont.

I'm trotting forward with my series on how prominent lawyers are doing—personally and professionally—during the coronavirus lockdown.

Today, I'm chatting with Latham & Watkins leaders Michele Johnson and Jamie Wine—Johnson currently serves as the global chair of the firm's 600-plus lawyer litigation department, which Wine had previously headed.

Not only do the two have the distinction of being female leaders of a mega practice group at a mega firm, but they share another high-profile position: They are now co-counsel for the U.S. Soccer Federation in the closely watched discrimination lawsuit brought by the U.S. women's soccer team. (Seyfarth Shaw withdrew as counsel for U.S. Soccer in early April after it got blasted for arguing that the job of a male player "requires materially different skill and more responsibility" than that of a female player.)

On Latham's watch, U.S. Soccer recently got a huge win. U.S. District R. Judge Gary Klausner of the Central District of California, in a 32-page decision May 1, threw out the women's team claim for equal pay. Klausner wrote that he was unconvinced that the women made their case that they were underpaid, noting that the team had actually earned more "on both a cumulative and an average per-game basis" than the men's team for the time at issue.

Below is an edited version of our phone conversation and various email exchanges.

First, tell us where both of you are hunkered down.

Johnson: I'm in my home in Orange County, [California]. We have six kids here, from kindergarten through eighth grade, and just two adults—myself and my sister.

Wine: I'm in a house in Vermont. We've been here for seven weeks now because our kids' school closed early. The

kids are 12 and 14, and they're pretty self-sufficient. My ex-husband is staying with us. He works at the kitchen counter while I'm in my home office. We're all together—like Demi Moore and Bruce Willis.

Fun! And I hope you're wearing matching pajamas too. But I'm betting your daily routine is different from Demi and Bruce.

Johnson: My day starts early. It's Zoom call after Zoom call. I have a bunch of cases going forward. In California, the courts are not stopping. We're also doing a lot of outreach to associates. A lot of people are touching base with each other.

Wine: I'm fielding inquiries constantly about litigation risks and regulations. People are concerned if one of their business partners goes into bankruptcy. We're seeing colleagues more than ever on Zoom—and that's a good thing.

Let's talk about that huge win you just scored for U.S. Soccer Federation. Klausner essentially said that the women players' evidence of unequal pay was lacking. It seems like it's already over even before the scheduled June 16 trial.

Wine: The court considered the facts and found that U.S. Soccer supports the Women's National Team with equal pay. While that resolves the legal issue, we and the federation fully appreciate that U.S. Soccer's commitment to the women's team will continue at a level higher than any federation in the world. My take is that U.S. Soccer will continue to advocate, alongside the women's team, to create change.

Johnson: The evidence is unequivocal that U.S. Soccer has paid the women's team more money than it has paid the men's team—overall, per game and per player. U.S. Soccer has changed the soccer world for female athletes. This case is about preserving U.S. Soccer's ability to continue championing the game for women and girls around the world.

As women, aren't you worried that you'll get criticized for representing an organization that some believe has not treated women players fairly? It seems like you have to be extra careful in framing your argument. After all, Seyfarth got creamed for sexism, suggesting that women players don't have the same skills or responsibility as male players.

Johnson: We're not focused on criticism. We were hired for our proven trial skills, and we plan to bring a case that's in line with our values.

Wine: We filed a reply brief on March 16 for summary judgment that expressly did not rely on the offensive arguments and focused on U.S. Soccer's legitimate—and ultimately winning—defenses. Our reply brief was referred to and quoted extensively in the Court's summary judgment opinion issued on Friday. On April 1, the parties also filed a joint stipulation in which we further underscored that U.S. Soccer was withdrawing the offensive arguments from the earlier summary judgment papers.

Let's go back to your home life. What are you doing to let off steam during this time?

Wine: I'm doing jigsaw puzzles. I'm working on one with a thousand pieces. I'm not watching that much TV, but we do watch movies that we consider classics of my generation, like "Forrest Gump" and "The Breakfast Club."

Johnson: I don't watch anything. We've exhausted all the disaster shows. I went from 15 to 20 days a month traveling to zero. It's not an unwelcomed change to stay home. I see the kids more. I run more. And I can tend to my sourdough starter.

Michele, I remembered you told me a while ago that your parents are evangelicals and that you and your siblings were all homeschooled. So does all this remote learning routine remind you of your childhood?

Johnson: People tell me I've come full circle, but this is quite different. In a true homeschool situation, you're going to a museum or visiting the capital. But this isn't home-school; this is stay-at-home school.

Your kids are getting a crash course in lawyering. So are they more appreciative of what you do for a living?

Wine: They're either showing greater appreciation or completely bored by it. But my kids do get interested when I have a trial going on. I tell them it's my Super Bowl.

Johnson: I don't know if they're more interested, but they do think the soccer trial is pretty cool. That they can relate to.

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