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## NY Atty In Sex Bias Suit Accuses Ex-Firm Of Bully Tactics

By **Andrew Strickler**

Law360 (July 21, 2020, 11:36 PM EDT) -- A New York lawyer accusing Levi & Korsinsky LLP of sex discrimination told a federal court Tuesday that her former firm's partners "tolerated" her alleged unfaithful behavior in a fee decision two years ago and can't sue her for it now, a move she said amounts to bullying.

The securities litigator, Amy Miller, asked for the dismissal of the firm's faithless servant counterclaim and a second of tortious interference, saying the counter-punch accusations were designed to "bully" her after she sued the firm.

Regarding the accusation that she shorted Levi & Korsinsky in a derivative settlement fee decision in favor of other firms involved in the case, Miller argued in her motion to dismiss that her old employer never took any action against her over that April 2018 issue until she was let go almost a year later.

"Defendants knew of and tolerated Miller's settlement decision, waiving any claim for that conduct," she argued.

Moreover, a lawyer exceeding her authority in a settlement negotiation "is the type of workplace rule breaking insufficient under the high standards of being a faithless servant, particularly where there is no allegation that Miller actually benefited," according to the filing. "There is no claim she even received a job interview or job recommendation, much less any financial benefit."

In her February complaint, Miller accused Levi & Korsinsky of **shorting her on commissions and bonuses**, reassigning her cases to inexperienced male lawyers and unjustly firing her for speaking up about gender inequity. She was ultimately fired in March 2019 for "vague and conclusory reasons," as retaliation for her internal gender bias complaints, she said.

The suit accuses the firm and founding partners Joseph Levi and Eduard Korsinsky of continued gender discrimination after she was elevated to partner in late 2017 in violation of Title VII of the Civil Rights Act, the Equal Pay Act and New York state wage and anti-discrimination laws.

In a response filed in June, the firm denied Miller's claims and accused her of pursuing a **"personal agenda"** that included bad-mouthing her own firm to a client's general counsel, which caused the firm to lose the client to a competitor she saw as a potential employer, the firm said.

The firm also said Miller negotiated a fee arrangement for a "multi-plaintiff derivative litigation" that left Levi & Korsinsky with the short end compared to other firms. Miller also steered work for a large financial institution to one of the same firms involved in the fee scheme, the Levi firm.

Miller's motion seeks the dismissal of both counterclaims of faithless and disloyal service and for tortious interference with prospective economic advantage.

Miller's counsel declined to comment on the filing. Miller is now of counsel in the securities litigation practice at Cohen Milstein Sellers & Toll PLLC.

Counsel for Levi & Korsinsky did not respond to requests for comment.

Levi & Korsinsky is represented by Allen Roberts and Lori Medley of Epstein Becker Green.

Miller is represented by Samuel Maduegbuna of Maduegbuna Cooper LLP.

The case is Miller v. Levi & Korsinsky LLP, case number 1:20-cv-01390, in the U.S. District Court for the Southern District of New York.

--Additional reporting by Vin Gurrieri and Braden Campbell. Editing by Amy Rowe.

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