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He is the president of the Consumer Attorneys Association of Los Angeles and the chair of the executive committee of the litigation section of the Los Angeles County Bar Association.

“In the same month I started my own firm, bought a new house and had a baby,” Silverstein said. “The firm was the riskiest thing I’d ever done. Working for the defense is a conservative path, but I am entrepreneurial and I like a small-firm environment where I can run the show.”

Though some of his best results are handled privately, he noted he has obtained punitive damages for his clients in his last six trials where punitives were available.

In a major Private Attorneys General Act case, Silverstein represents more than 100,000 Amazon.com delivery drivers who were allegedly misclassified as independent contractors through the Amazon Flex app. The case involves issues under the state Supreme Court’s Dynamex opinion, AB 5’s classification standards and Proposition 22. It has the potential to be the largest-ever PAGA case, Silverstein said.

While several such actions have been filed in California and other states, “ours was the first to overcome being stayed while others have been on appeal and Amazon has fought to keep cases in their preferred venue of federal court in Washington state,” he said. “Our case moving forward resulted in all California cases being coordinated in a JCCP action, where we successfully opposed another stay.” Amazon Flex Wage and Hour Cases, JCCP 5078 (Orange Co. Super. Ct., filed March 8, 2019).

At one point, Silverstein successfully resisted efforts to get involved by another prominent attorney, Shannon Liss-Riordan, who has litigated a number of gig economy cases. “She has her own agenda, but we have a clear strategy to keep this a PAGA-only matter,” Silverstein said.

The litigation got a boost the day Silverstein spoke as the U.S. Supreme Court unanimously rejected forced arbitration for Southwest Airlines baggage handlers, holding that they are exempt from the Federal Arbitration Act. “The bottom line is that railway workers, seamen and others in interstate commerce are not covered by the FAA, so we are on even more solid ground going forward,” he said.

Even so, he faces a formidable foe with a strong motive to resist the drivers’ claims. “This is Amazon’s business model, and they are taking a stay and delay approach. I feel very grateful to be able to work on a case of this magnitude.”