

Lawyer secures first win in \$11M defamation suit

By Adva Saldinger

RECORDER STAFF WRITER

After winning an \$11.1 million verdict last week, a happy Emilia Mayorga of Kerr & Wagstaffe embraced her clients. It was her first jury trial.

Mayorga represented Mary McCarthy and Aidan O'Lee in the two-week defamation trial that ended Thursday when a San Francisco jury decided against Compuware Corp.

Her first trial had a somewhat shaky start as she struggled to lay a proper foundation with her first witness and endured repeated objections from defense attorneys.

"The first day was probably the worst," Mayorga said. "There was an almost palpable frustration in the courtroom, like, 'Can't you just ask a question?'"

Her clients, however, said they had full faith in Mayorga and the Kerr & Wagstaffe team.

"Emilia was unflappable," McCarthy said, adding that Mayorga related wonderfully to the jury and had excellent delivery.

McCarthy and O'Lee worked for Compuware and managed its account with Charles Schwab & Co. In 2001, Alan Cantrell, senior vice president of Compuware, sent a letter to Schwab executives accusing McCarthy and O'Lee of running a side business, falsifying documents and stealing money from the companies.

The jury found that the letter was libelous, damaged the plaintiffs' reputations, and was sent by Compuware as an act of malice, oppression or fraud. McCarthy and O'Lee were awarded \$10 million in punitive damages.

"The verdict was a real vindication for



VERONICA WEBER

SWEET VICTORY: Kerr & Wagstaffe lawyer Emilia Mayorga secured an impressive \$11.1 million win for two Compuware employees who accused the company of defamation.

my clients," Mayorga said. "The jury sent the message that people's reputations are valuable, and corporations like Compuware can't trample over people's reputations for their financial gain."

Compuware, a publicly traded IT staffing firm, was represented by Fenwick & West. Compuware did not return calls for comment.

Mayorga described the trial as a team effort, saying that she grew close to McCarthy and O'Lee throughout the process. The three of them had a group hug before the case started and after their victory, according to Mayorga.

She worked on the case largely on her own, which she said was sometimes scary, representing two women against a mammoth corporation and very skilled attorneys. Her

clients say she rose to the challenge.

"At one point after her closing, I told [Mayorga] she could be my attorney anytime, anyplace, anywhere," McCarthy said.

Mayorga joined Kerr & Wagstaffe in 2003 after working at Cooley Godward. She earned a B.A. from UCLA in history and a J.D. from Hastings College of the Law.

Mayorga, who grew up in East San Jose, wanted to be an attorney because, "I just thought I would be good at it, at arguing in front of a jury." If her first case is any indication, she seems to have the knack.

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