

[REDACTED]
Tustin, CA
[REDACTED]
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PROFILE

California [REDACTED] [REDACTED] licensed attorney admitted to practice in all State Courts in California [REDACTED], all Federal District Courts in California and California Court of Appeals. Over twenty-five years of civil litigation experience primarily focused on employment litigation and compliance counseling, complex corporate litigation, construction litigation, insurance coverage and coverage related litigation, corporate compliance and transactions, captive insurance and [REDACTED].

RELEVANT EXPERIENCE

Employment Litigation and Compliance Counseling:

- Representation of employers in litigation, arbitration and administrative proceedings including matters involving discrimination (sex/gender, race, disability, age), sexual harassment, retaliation, wrongful termination, breach of employment contract, enforcement of severance benefit contract provisions and limitations, wage and hour violations (including significant class-action litigation), PAGA, Labor Code §132a workplace injury discrimination/retaliation, and Labor Code §4553 serious and willful misconduct claims.
- Counseling of business owners, senior operations and human resources management personnel regarding compliance with State and Federal statutes including ADA, Title VII, ADEA, FEHA, CFRA, WARN Act; draft and review of employee handbooks, policies and employment contracts; conduct internal investigations of harassment, discrimination, and wage and hour complaints and recommend appropriate course of action; draft, review and implementation of client hiring, disciplinary action and termination policies and procedures; conduct employee classification reviews (exempt/non-exempt status, employee/independent contractor status); prepare and conduct sexual harassment training for management personnel.
- Provide timely reports and recommendations to Officers, of Directors and Senior Management regarding status and recommended handling and/or potential resolution of litigated and pending matters.
- Manage and maintain client relations and reporting; conduct interviews of clients, employees and third party witnesses; undertake fact investigation and document reviews; conduct in-depth legal research and analysis; conduct formal discovery; provide recommendations for case handling and potential resolution; prepare and orally present motions to Court; trial preparation, trial work; post-trial and appellate research and briefing.
- Research and analyze current and prospective legislative and judicial changes to, and interpretations/applications of, wage and hour and other employment benefit laws to ensure proper implementation of compliant policies and practices by employers.
- Research, prepare and present seminars to HR professional associations, clients and local business owners regarding all aspects of employer responsibility under State and Federal employment laws.

Corporate Litigation, Compliance and Transactions:

- Conduct all aspects of complex corporate litigation from pleading through trial including matters involving misappropriation of trade secrets, unfair competition, breach of fiduciary duty (shareholders/directors/officers), breach of contract, professional negligence, fraud and enforcement non-solicitation and confidentiality agreements.
- Lead discovery and fact investigation, law and motion preparation and argument, analysis of issues and recommendations for case resolution.
- Prepare and amend corporate formation and governance documents including Articles of Incorporation, Articles of Organization, Bylaws, Operating Agreements, Shareholder/Director and Member/Manager Consent Resolutions.
- Organize, lead and attend Shareholder/Director and Member/Manager meetings and take Minutes.

Construction Litigation and Compliance Counseling:

- Representation of clients in residential and commercial construction related litigation involving both public and private local and statewide contracts; management and supervision of litigated matters handled by outside counsel.
- Counsel senior operations management regarding compliance with State and Federal statutes including UCC, FARs, WARN Act, California Government Code, Public Contract Code and Davis Bacon Act; review and analyze processes and procedures for planned facility closures and layoffs pursuant to WARN Act; counsel upper management regarding compliance with Public Works Contracting laws related to prevailing wage, certified payroll and apprenticeship program issues.
- Representation of construction contractors and subcontractors in connection with Department of Industrial Relations (DIR) investigations and hearings involving certification of employees, payment of prevailing wages, compliance with certified payroll and apprenticeship hiring requirements on public works projects.
- Review and revise client bids/proposals and contracts.
- Conduct training for upper level management regarding bidding and contracting policies, processes and procedures and potential legal implications flowing from bidding and contracting processes.
- Counseling of business owners, senior operations, payroll and human resources management personnel regarding compliance with Public Works contracting laws related to prevailing wage, certified payroll and apprenticeship program requirements.

Insurance Coverage and Coverage Related Litigation:

- Manage all aspects of coverage litigation (from pleading through judgment) involving claims for contribution/subrogation from co-insurers and declaratory relief regarding coverage obligations to insureds.
- Advise carriers with respect to claims made under Property/Casualty policies including Commercial General Liability, Businessowners, Employment-Related Practices, Property and Medical-Professional Liability; draft coverage opinions, make coverage recommendations, monitor litigation involving insureds and make resolution recommendations to carriers.
- Demand and obtain defense and indemnification from insurance carriers on behalf of insureds; draft and respond to tender correspondence, reporting to participating carriers.

Agricultural Labor Litigation and Compliance Counseling:

- Representation of agricultural clients in connection with employee and union complaints and administrative investigations and litigation undertaken by the California Agricultural Labor Relations Board related to Unfair Labor Practices and Union election objections.
- Maintain client relations and reporting; conduct interviews; undertake fact investigation; conduct formal discovery; conduct in-depth legal research and analysis of legal issues of first impression; provide recommendations for case/investigation handling and potential resolution.
- Investigate employee grievances; draft/review client policies and procedures regarding hiring, disciplinary action, termination, working hours, terms and conditions of employment, and formulation calculation of rates of pay (hourly/piece rate/commission/bonus) to ensure compliance with State and Federal laws and existing Collective Bargaining Agreements.
- Research and analyze current and prospective legislative changes to wage and hour and other employment benefit laws to ensure proper and informed discussion during collective bargaining process and inclusion of necessary changes and additions to Collective Bargaining Agreements.

EMPLOYMENT HISTORY

Contract Litigation Attorney

Senior Litigation Attorney

Litigation Attorney

Senior Associate Attorney

Litigation Attorney

In-House Counsel

Senior Associate

Senior Associate

Senior Associate

Partner

Associate Attorney

Attorney

EDUCATION

J.D.

B.S.

ADMISSIONS/CERTIFICATIONS

State Bar of California

Admitted to practice, all State and Federal District Courts in California

Admitted to practice, California Court of Appeals