LCW Liebert Cassidy Whitmore

Briefing Room

News and developments in employment law and labor relations for California Law Enforcement Management.

April 2019

INDEX

LCW NEWS

Briefing Room is published monthly for the benefit of the clients of Liebert Cassidy Whitmore. The information in ***Briefing Room*** should not be acted on without professional advice.

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POBR

LCW Leads County to Victory in POBR Case.

In a case handled by LCW Partner Jesse Maddox, the California Court of Appeal dismissed a case a district attorney's investigator brought against a county for violation of the Public Safety Officers Procedural Bill of Rights Act ("POBR").

The County suspended the investigator for dishonesty, and he appealed the decision to the County's Employment Appeals Board ("EAB"). After an evidentiary hearing, the EAB upheld the suspension. The investigator did not ask the Superior Court to reverse the EAB's final decision pursuant to Code of Civil Procedure section 1094.5. That law authorizes a superior court to review the record of an administrative tribunal, like the EAB, for certain errors.

Instead, the investigator waited over 10 months before requesting the trial court to issue an order compelling the EAB to overturn its decision under Code of Civil Procedure section 1085. A request under section 1085 asks a court to compel an agency to follow its obligations under the law. The investigator claimed that the County violated his POBR rights when it did not provide him with all of the materials related to the investigation that led to his suspension. The County had provided the investigator with a copy of the Internal Affairs investigation into his conduct, but it did not provide certain documents the County had designated as confidential under section 3303(g) of the POBR.

The trial court dismissed the investigator's claims. The Court of Appeal affirmed the trial court's decision. The Court of Appeal concluded that the investigator used the wrong procedures to ask the court to reverse the EAB's decision. The investigator could have raised his POBR claim with the trial court either before the EAB's final administrative appeal decision, or in conjunction with a request seeking judicial review of the EAB proceedings under section 1094.5. Because the investigator raised his claim after the final EAB decision and did not file a request pursuant to section 1094.5, the court found that the investigator was barred from relitigating the EAB's finding that there was cause for his suspension.

NOTE:

LCW Partner Jesse Maddox is one of many LCW attorneys who provide expert POBR advice and litigation defense.

LABOR RELATIONS

Fire Protection District Violated MMBA When It Denied Represented Employees Longevity Differential.

The Public Employment Relations Board ("PERB") found that a County Fire Protection District violated the Meyer-Milias Brown Act ("MMBA") when it granted unrepresented employees a longevity differential but denied the benefit to employees represented by the union.

In 2006, the Contra Costa County Board of Supervisors passed a resolution that provided about 600 classifications of County employees a longevity differential consisting of a 2.5% increase in pay for 15 years of service. The resolution described the eligible County employees as "Management, Exempt and Unrepresented Employees."

The United Chief Officers Association ("Association") represented the Fire Management Unit of the Contra Costa County Fire Protection District ("District"), one of the County's special districts. In subsequent labor negotiations between the Association and the District, the Association demanded the same longevity differential previously granted to unrepresented management employees. The District rejected the Association's proposal, and admitted on several occasions that it did so to ensure that unrepresented employees are paid more than represented employees.

In 2008, the County Board of Supervisors adopted a resolution that extended the 2.5% longevity differential for 15 years of service to more than 1,000 unrepresented supervisory and managerial employees of the District. This effectively extended the differential to all unrepresented management employees of the District, except those in the represented Fire Management Unit. The Association filed a grievance, but the matter was not resolved. Subsequently, the Association filed an unfair practice charge alleging that the District interfered with the union and employee rights, and discriminated against them by treating them differently based on protected activity.

PERB discussed the difference between interference and discrimination charges. PERB noted that for interference, the focus is on the actual or reasonably likely harm of an employer's conduct to the protected rights of employees or employee organizations. Thus, to establish interference, the employee or employee organization does not need to prove the employer's motive, intent, or purpose. PERB noted that an interference violation will be found when the resulting harm to protected rights outweighs the business justification or other defense asserted by the employer.

In contrast, the employer's unlawful motive, intent, or purpose is necessary to establish a case for discrimination. A charge of discrimination will be sustained if the employee shows that the employer would not have taken the complained-of conduct but for an unlawful motivation, purpose, or intent.

PERB found that the District interfered with the Association and employee's protected rights in violation of the MMBA. PERB noted that the District expressly distinguished between represented and unrepresented employees as the basis for granting employment benefits. Thus, the District's conduct discouraged employees from participating in organization activities, which is a quintessential protected right under the MMBA. PERB rejected the District's affirmative defenses outright, and concluded that the resulting harm outweighed the District's explanations.

PERB also found that the District discriminated against employees by treating Association-represented employees differently from unrepresented employees. The District only offered the differential to unrepresented employees in order to maintain "separation" in employment benefits between represented and unrepresented employees. Thus, PERB concluded that the District's conduct provided direct evidence of motive and inherently discriminatory conduct sufficient to support a discrimination allegation.

PERB ordered the District to pay each eligible current and former member of the District's Fire Management Unit the 2.5% longevity differential for 15 years of service.

Contra Costa County Fire Protection District, PERB Decision No. 2632-M (2019).

NOTE:

This case illustrates that it is significantly easier for a union to establish interference rather than discrimination because the union does not need to prove the employer's motive. The employer's stated desire to pay represented and unrepresented groups differently because of their represented status, however, was sufficient evidence of a discriminatory motive in this case. LCW attorneys can advise agencies how to avoid or defend claims brought by unions for both interference and discrimination.

County Violated MMBA by Removing Leadership Duties from Hospital Division Chief.

Jeffrey Reese began working for the County of Santa Clara as a urologist in 1990. In 1996, Reese began serving as the division chief of urology in the surgery department at Santa Clara Valley Medical Center ("SCVMC"), a County hospital. Reese reported to Gregg Adams, the chair of the surgery department.

In 2010, Valley Physicians Group ("VPG") became the exclusive representative for the County's physician bargaining unit. Between November 2011 and April 2012, Reese participated in the joint labor-management committee focused on implementing the negotiated terms of the first memorandum of understanding ("MOU") between VPG and the County. In the fall of 2013, Reese joined VPG's bargaining team for successor MOU negotiations.

Starting in 2012, Jeffrey Arnold served as SCVMC's chief medical officer. The chief medical officer is a physician who is primarily responsible for managing the provider staff, hiring and firing physicians, and determining their salaries. Arnold participated as a member of the County's bargaining team from late 2013 through late 2014.

In the negotiations for a successor MOU between the County and VPG, Arnold indicated that physician workload needed to increase. Members of the VPG bargaining team, including Reese, expressed their concerns that if physician workloads became excessive, patient safety and service quality would be at risk. After bargaining, Reese continued to raise these concerns with Arnold.

After one of SCVMC's five urologists left and approximately 50,000 new patients were eligible to be served by the County health system, Arnold vetted urologist Dr. Tin Ngo for hire. Arnold offered Ngo a position without consulting or notifying Reese. Ngo was not Medical Board-certified at the time.

Before Ngo officially began work, Arnold told Adams that Reese was not the "correct" person to be chief and suggested that Ngo replace Reese. Adams objected to Arnold's plan because it would violate his department's policies, which required a division chief to be Medical Board-certified. Adams also thought the decision to replace Reese was premature.

Arnold then informed Adams that he was proposing to have Ngo named as "interim chief." Once again, Adams rejected Arnold's proposal because Ngo was not yet Medical Board-certified. Instead, Arnold decided to install Ngo as a "medical director," and give Ngo most of Reese's authority as chief. Arnold increased Ngo's pay to equal Reese's. While Reese did not suffer a pay loss, 90% of his leadership duties were removed.

To prove that an employer has discriminated or retaliated against an employee in violation of the Meyers-Milias Brown Act ("MMBA"), the employee must show that: 1) he or she exercised rights under the MMBA; 2) the employer had knowledge of the exercise of those rights; 3) the employer took adverse action against the employee; and 4) the employer took the action because of the exercise of those rights. If the employee proves these elements, the burden shifts to the employer to demonstrate that it would have taken the same action, even in the absence of the protected conduct.

The Public Employment Relations Board ("PERB") concluded that the County removed Reese's division chief duties because of his involvement with VPG, which violated the MMBA. PERB noted that "Reese first contested Arnold's stated interest in increasing the physicians' workload during successor MOU bargaining and thereafter continued to advocate for additional staffing to ease the urology staff's workload." PERB also noted that removing Reese's duties as division chief limited his ability to oppose Arnold's plan to increase physicians' workload. Thus, "Arnold's managerial concerns about Reese were directly related to the very matters he had raised in the course of his protected conduct."

PERB rejected the County's argument that it would have taken the same action, even in the absence of Reese's protected conduct, because of the urgent need for Ngo as a medical director.

County of Santa Clara (Reese), PERB Decision No. 2629-M (2019).

NOTE:

A critical fact in PERB's decision was that management stripped the doctor of most of his leadership duties. Those duties included managing the very workload and safety issues that the doctor raised during collective bargaining and thereafter. The fact that the doctor retained the same pay was irrelevant. Among other things, this decision shows that taking leadership duties away can be an adverse action.

WAGE AND HOUR

Ninth Circuit to Reconsider "Factor Other than Sex" Exception to EPA After Judge Dies Before Opinion Filed.

Aileen Rizo worked as a math consultant with the Fresno County public schools. Rizo sued, alleging that the County violated the U.S. Equal Pay Act ("EPA") and other laws by paying her less than her male colleague for the same work.

In a hearing before all of the judges of the Ninth Circuit for the U.S. Court of Appeals, the Court considered which factors an employer could consider to justify a salary difference between employees under the "factor other than sex" exception to the EPA. The Court concluded that "any other factor other than sex" was limited to legitimate, job-related factors such as a prospective employee's experience, educational background, ability, or prior job performance. Therefore, prior salary was not a permissible "factor other than sex" within the meaning of the EPA.

However, before the Ninth Circuit could file its written opinion, a judge who participated in the case and authored the opinion died. Without the deceased judge, the opinion attributed to him would have been approved by only five of the ten members of the panel who were still living when the decision was filed. Although the other five living judges agreed in the ultimate judgment, they did so for different reasons.

The U.S. Supreme Court stated that because the judge was no longer a judge at the time when the en banc decision was filed, the Ninth Circuit erred in counting him as a member of the majority. According to the U.S. Supreme Court, that practice effectively allowed a deceased judge to exercise the judicial power of the United States after his death. Therefore, the U.S. Supreme Court vacated the judgment and sent the case back to the Ninth Circuit for further proceedings.

Yovino v. Rizo, 139 S.Ct. 706 (2019).

NOTE:

LCW previously reported on the Ninth Circuit's decision in this case in the May 2018 Briefing Room. This case involves the U.S. Equal Pay Act and does not affect California's own Fair Pay Act. California's Fair Pay Act is much more employee-friendly and provides that "[p]rior salary shall not justify any disparity in compensation." (Cal. Labor Code § 1197.5(a)(4).)

ELECTIONS

California Law Requiring Candidates For County Sheriff to be Qualified is Permissible.

Bruce Boyer filed an application to be placed on the ballot for Ventura County Sheriff in the upcoming primary election. Four days later, the County Clerk informed Boyer that he had not submitted the documentation required under California law to establish his qualifications.

Under California election law, in order to be a candidate for county sheriff, an individual must provide prove that he or she meets the qualifications listed in Government Code section 24004.3. That law provides that a candidate for sheriff must possess one of five combinations of education and law enforcement experience: 1) an active or inactive advanced certificate issued by the Commission on Peace Officer Standards and Training; 2) one year of full-time, salaried law enforcement experience and a master's degree; 3) two years of full-time, salaried law enforcement experience and a bachelor's degree; 4) three years of full-time, salaried law enforcement experience and an associate's degree; or 5) four years of full-time, salaried law enforcement experience and a high school diploma.

Boyer argued that the election law and section 24004.3 were unconstitutional and that the County Clerk's refusal to place Boyer's name on the ballot denied citizens of their right to vote for officials of their own choosing. Boyer filed a request with the Ventura County Superior Court to command the County Clerk to name Boyer as a candidate.

The Superior Court denied Boyer's request, and the Court of Appeal affirmed. The Court of Appeal concluded that the candidacy requirements were not unconstitutional. First, the court noted that the California Constitution expressly gives the Legislature the power to set requirements for the elected office of county sheriff. Second, the court concluded that the requirements did not violate the First Amendment of the U.S. Constitution because they were nondiscriminatory and politically neutral. The court noted that the state has strong interest in assuring that individuals desiring to hold office are qualified. Thus, Boyer was not entitled to be placed on the ballot.

Boyer v. Ventura County, 2019 WL 1236050 (unpublished).

NOTE:

Although this case is unpublished, and therefore generally not citable, it signals how other courts will likely uphold the California Legislature's authority to require candidates for elected office to have relevant education and experience.

FIRST AMENDMENT

Statements Made During Internal Investigation Were Protected Under Anti-SLAPP Statute, But University's Decision to Investigate Was Not.

Dr. Jason Laker is a professor at San Jose State University. A student told Dr. Laker that the then-Chair of his department sexually and racially harassed her. The student brought a formal Title IX complaint against the Chair, and after investigation, the University sustained the charges against the Chair. The University disciplined the Chair, and later, the University announced it was looking into how the matter was handled.

University administrators received an e-mail a few months later from the student. She stated she experienced ongoing stress and anxiety relating to the issue. The student noted the investigative report stated that at least two professors were aware of the behavior before her complaint. The Associate Vice President responded to the student and agreed it was concerning that other faculty members appeared to have received information regarding troubling behavior and did not notify administrators. Laker was one of those faculty members.

Separately, the University received and investigated three complaints into Laker's alleged conduct.

After exhausting administrative remedies, Laker filed a lawsuit against the University and the Associate Vice President for defamation and retaliation arising from the internal investigations. Laker alleged he was falsely accused of knowing about the sexual harassment and failing to report it. Laker also alleged the Associate Vice President and other University officials called him a "liar" when he said other students had complained of sexual harassment by the Chair. Laker also argued the University and others retaliated against him because he both opposed the Chair's harassment and assisted the student with her complaint.

The University responded to Laker's lawsuit with an anti-SLAPP motion, which is a special motion that allows a court to strike a lawsuit that attacks the defendant's protected free speech in connection with a public issue. The University argued Laker's complaint should be stricken because his claims arose from protected activity under the Anti-SLAPP law, and Laker had no probability of prevailing on either claim.

Courts evaluate anti-SLAPP motions using a two-step process: 1) whether the nature of the conduct that underlies the allegations is protected under California's anti-SLAPP statute; and 2) whether the plaintiff can show likely success on the merits of the claim.

The University argued that Laker's defamation claim arose from the statements made by the Associate Vice President and others during the investigation into the complaint against the Chair. The University claimed that Laker's retaliation claim arose from the University's investigation of the three complaints against Laker. Laker argued, in part, that the anti-SLAPP statute did not protect the University's decision to pursue three investigations into his conduct.

The Court of Appeal concluded Laker's defamation claim involved conduct protected under the anti-SLAPP statute. The statements, including the Associate Vice President's email response to the student, were made during and in connection with the ongoing internal investigation and were protected as an "official proceeding authorized by law." Furthermore, these statements formed the crux of Laker's defamation claim. The Court of Appeal concluded Laker could not demonstrate a probability of success on the merits of his defamation claim because statements made during the investigation were privileged under Civil Code section 47. Thus, the University met its burden as required by the anti-SLAPP statute to strike this part of Laker's claims.

The Court of Appeal concluded the University could not show that Laker's retaliation claim, which was based on the allegations that the University pursued three meritless investigations of him, arose from any protected conduct. As a result, the University could not defeat this part of Laker's retaliation claim using the anti-SLAPP statute. The Court noted that part of the retaliation claim was based on the University's decisions to investigate and not on communicative statements by University officials. The Court also noted that the California Supreme Court had recently granted review of several appellate decisions that addressed whether an employer's allegedly discriminatory or retaliatory motive in conducting an investigation was anti-SLAPP protected activity.

Because the University successfully struck one of the claims, it was a prevailing party under the anti-SLAPP statute and eligible for attorney's fees and costs, which the trial court would determine. The Court of Appeal ordered the trial court to enter a new order partially granting the University's motion and striking some language from Laker's complaint.

Laker v. Board of Trustees of California State University, 32 Cal. App.5th 745 (2019).

NOTE:

This case reaffirms that communicative statements made during a public agency's internal investigations into claims of discrimination receive protection from the anti-SLAPP statute. Whether an employer's decision to investigate, by itself and without some form of communication, is protected by the anti-SLAPP statute is less clear after the Laker and other decisions. Watch for future issues of Briefing Room for the results of the California Supreme Court's review of other anti-SLAPP decisions involving whether an employer's allegedly discriminatory or retaliatory motives to conduct an investigation are protected under the anti-SLAPP statute.

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The ***Briefing Room*** is available via email. If you would like to be added to the email distribution list or if you know someone who would benefit from this publication, please visit www.lcwlegal.com/news. **Please note:** By adding your name to the e-mail distribution list, you will no longer receive a hard copy of the ***Briefing Room***. If you have any questions, call Sara Gardner at 310.981.2050.

Webinar On-Demand: SB 1421: What's Happening Now?

For decades, California peace officer personnel records could only be obtained through the *Pitchess* motion procedure. This regime changed dramatically in January 2019, when Senate Bill 1421 took effect, allowing public access under the California Public Records Act to peace officer personnel records relating to certain types of frequently high-profile and controversial incidents. Agencies are already receiving numerous broad requests for these records, some of which seek police records going back decades. In addition, guidance from the Attorney General and other state attorneys direct local agencies not to dispose of any records that may be disclosed under SB 1421, even where allowed by the agency's retention policy or by statute. And with these developments comes the prospect of litigation from affected officers and their unions over the new law's privacy impacts. This recording offers practical guidance on how to navigate and adapt to the new and rapidly-developing legal environment and will look ahead to what might come next.

View On-Demand: https://www.lcwlegal.com/events-and-training/webinars-on-demand

MANAGEMENT TRAINING WORKSHOPS

Firm Activities

Consortium Training

April 25 **"Managing the Marginal Employee"** & **"Difficult Conversations"**
Mendocino County ERC | Ukiah | Casey Williams

May 2 **"The Art of Writing the Performance Evaluation"** & **"Maximizing Performance Through Evaluation, Documentation and Corrective Action"**
Monterey Bay ERC | Santa Cruz | Che I. Johnson

May 9 **"Leaves, Leaves and More Leaves"** & **"Privacy Issues in the Workplace"**
East Inland Empire ERC | Fontana | Mark Meyerhoff

May 9 **"Public Service: Understanding the Roles and Responsibilities of Public Employees"**
Gateway Public ERC | Long Beach | Laura Drottz Kalty & Jolina A. Abrena

May 9 **"Legal Issues Regarding Hiring and Promotions"**
LA County HR Consortium | Los Angeles | Geoffrey S. Sheldon

May 9 **"Labor Negotiations From Beginning to End"** & **"Human Resources Academy II"**
North State ERC | Chico | Gage C. Dungy

May 9 **"Supervisor's Guide to Public Sector Employment Law"**
San Diego ERC | Coronado | Stephanie J. Lowe

May 15 **"Workers Compensation: Managing Employee Injuries, Disability and Occupational Safety"**
Sonoma/Marin ERC | Rohnert Park | Rick Goldman

May 16 **"Maximizing Performance Through Evaluation, Documentation and Corrective Action"** & **"Managing the Marginal Employee"**
Orange County Consortium | Tustin | Mark Meyerhoff

May 21 **"So You Want To Be A Supervisor"**
North San Diego County ERC | San Marcos | Kristi Recchia

May 22 **"Human Resources Academy I"** & **"The Future is Now - Embracing Generational Diversity and Succession Planning"**
NorCal ERC | Pittsburg | Lisa S. Charbonneau

May 23 **"Creating a Culture of Diversity in Hiring, Promotion and Supervision"** & **"Public Service: Understanding the Roles and Responsibilities of Public Employees"**
Coachella Valley ERC | Indio | Kristi Recchia

May 23 **"Difficult Conversations"**
San Mateo County ERC | San Mateo | Erin Kunze

May 23 **"Supervisor's Guide to Public Sector Employment Law"**
South Bay ERC | Torrance | Mark Meyerhoff

May 29 **"12 Steps to Avoiding Liability"** & **"Human Resources Academy II"**
Gold Country ERC | Elk Grove | Gage C. Dungy

May 30 **"Implicit Bias"** & **"Human Resources Academy II"**
Imperial Valley ERC | El Centro | Kristi Recchia

Customized Training

April 24 **"Preventing Workplace Harassment, Discrimination and Retaliation"**
City of Stockton | Gage C. Dungy

April 24 **"Preventing Workplace Harassment, Discrimination and Retaliation"**
Conejo Recreation and Park District | Thousand Oaks | Danny Y. Yoo

April 24 **"Legal Issues Update"**
Orange County Probation | Santa Ana | Laura Drottz Kalty

May 2 **"MOU's, Leaves and Accommodations"**
City of Santa Monica | Laura Drottz Kalty

May 6 **"Preventing Workplace Harassment, Discrimination and Retaliation"**
Town of Truckee | Jack Hughes

May 8,9 **"Performance Management and Evaluation Process"**
Mendocino County | Ukiah | Jack Hughes

May 9 **"Preventing Workplace Harassment, Discrimination and Retaliation"**
City of Glendale | Jenny Denny

May 9,10 **"Preventing Workplace Harassment, Discrimination and Retaliation"**
Merced County | Merced | Michael Youril

May 13 **"Workplace Bullying: A Growing Concern"**
City of Campbell | Casey Williams

May 14 **"Ethics in Public Service"**
City of Mission Viejo | Stephanie J. Lowe

May 22 **"Conducting Disciplinary Investigations: Who, What, When and How"**
City of Stockton | Gage C. Dungy

May 23 **"Preventing Workplace Harassment, Discrimination and Retaliation"**
City of Fremont | Jack Hughes

May 28 **"Preventing Workplace Harassment, Discrimination and Retaliation"**
City of Glendale | Laura Drottz Kalty

May 29,30 **"Preventing Workplace Harassment, Discrimination and Retaliation"**
Merced County | Merced | Che I. Johnson

May 30 **"Preventing Workplace Harassment, Discrimination and Retaliation"**
City of Morgan Hill | Casey Williams

Speaking Engagements

May 7 **"Life After Retirement: Succession Planning and Hiring retired Annuitants"**
Association of California Water Districts (ACWA) 2019 Legal Briefing & CLE Workshop | Monterey | Michael Youril & Cyrus Torabi

May 7 **"Preventing Workplace Harassment, Discrimination and Retaliation"**
California Sanitaton Risk Management Authority (CSRMA) Conference | Oakland | Lisa S. Charbonneau

May 7 **"Guide to Lawful Termination"**
California Sanitation Risk Management Authority (CSRMA) Conference | Oakland | Casey Williams

May 7 **"Must Have Employment Polices"**
California Sanitation Risk Management Authority (CSRMA) Conference | Oakland | Lisa S. Charbonneau

May 7 **"Legal Issues Regarding Hiring and Promotions"**
California Sanitation Risk Management Authority (CSRMA) Conference | Oakland | Casey Williams

May 7 **"Maximizing Performance Through Evaluation, Documentation and Corrective Action"**
California Sanitation Risk Management Authority (CSRMA) Conference | Oakland | Casey Williams

May 9 **"Shots Fired! How to Respond to an Officer Involved Shooting"**
League of California Cities City Attorneys' Conference | Monterey | J. Scott Tiedemann & Jeb Brown

Seminars/Webinars

April 23 **"Best Practices for Conducting Fair and Legally Compliant Internal Affairs Investigations (Day 1)"**
Liebert Cassidy Whitmore | Citrus Heights | Jack Hughes & Suzanne Solomon

April 24 **"Best Practices for Conducting Fair and Legally Compliant Internal Affairs Investigations (Day 2)"**
Liebert Cassidy Whitmore | Citrus Heights | Jack Hughes & Suzanne Solomon

May 1 **"Mandated Reporter Training"**
Liebert Cassidy Whitmore | Webinar | Julie L. Strom

May 7 **"Hot Topics in FLSA Litigation & Settlements"**
Liebert Cassidy Whitmore | Webinar | Elizabeth T. Arce

May 14 **"Payroll Processing & Regular Rate of Pay Calculations"**
Liebert Cassidy Whitmore | Citrus Heights | Richard Bolanos & Lisa Charbonneau

May 16 **"The Public Employment Relations Board (PERB) Academy"**
Liebert Cassidy Whitmore | Fresno | Che I. Johnson & Kristi Recchia

FIRM PUBLICATIONS

To view these articles and the most recent attorney-authored articles, please visit: **www.lcwlegal.com/news**

"Law Enforcement's Attorneys Say Purging Records Doesn't Violate Law" quote by Managing Partner **J. Scott Tiedemann**, appeared in the March 18, 2019 issue of the *Daily Journal.*

New to the Firm

Megan Atkinson joins our Los Angeles office where she represents public entities in labor and employment law matters. She regularly defends against claims of discrimination, harassment, retaliation, and wage and hour violations. She litigates in both state and federal court and has experience from pre-litigation through trial. In 2018, she served as second chair in a nine-week jury trial. Megan was selected as a 2019 Southern California Rising Star by Super Lawyers.

She can be reached at 310.981.2058 or matkinson@lcwlegal.com.

Antwoin Wall joins our Los Angeles office where he assists and represents clients in matters pertaining to labor and employment law and litigation. His career background has a strong foundation in the public sector. Antwoin assists counties, cities, and public agencies in a full array of employment matters, including claims of discrimination, harassment, retaliation, wrongful termination, breach of contract, and wage and hour litigation.

He can be reached at 310.981.2084 or awall@lcwlegal.com.

Sung (Sean) Kim joins our Los Angeles office where where he provides representation and counsel to clients in litigation matters. As an experienced litigator, Sean has extensive experience in all aspects of the litigation process, including trials.

He can be reached at 310.981.2062 or skim@lcwlegal.com.

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