



Morin I. Jacob

Partner | San Francisco

mjacob@lcwlegal.com

Tel: 415.512.3000

EXPERIENCE

Morin Jacob is the Managing Partner of the firm's San Francisco office, and is a seasoned litigator who handles all facets of defense-side employment litigation, from pre-litigation through jury trial and appeal. Morin represents Liebert Cassidy Whitmore clients on all labor and employment law, primarily working with Public Safety Departments, and also representing Cities, Counties, and Special Districts.

Morin is one of the firm's top litigators. Morin has first-chaired jury trials and successfully secured defense verdicts on behalf of her clients, even after appeal. Her jury trial experience includes defending against claims of retaliation for engaging in free speech, disability discrimination, sexual harassment, retaliation, and whistleblower allegations. Morin has also secured wins on summary judgment motions, motions to dismiss, motions for judgment on the pleadings, and demurrers. In addition to trials and arbitrations, she represents clients in administrative proceedings, including in arbitrations and before the DFEH, EEOC, DLSE, PERB, and EDD.

Morin handles high-profile litigation matters, defending lawsuits brought by heads of agencies such as County Administrative Officers, heads of departments, such as Finance Directors, and in-house attorneys such as Deputy District Attorneys and Deputy County Counsel. Morin has also represented agencies and high-profile individual defendants in litigation, such as elected Board and City Council members, Fire Chiefs, Sheriffs, County Counsel, Controllers, and Police Chiefs. Morin even served as a lead attorney on litigation for the Office of former California Governor Arnold Schwarzenegger.

Morin also devotes part of her practice to conducting workplace investigations. Morin has conducted investigations into allegations involving embezzlement of seven-figure dollar amounts, harassment, discrimination, retaliation, workplace violence, internal affairs investigations for police departments, and FBOR investigations for fire departments.

Prior to becoming the Managing Partner of the San Francisco office, Morin served as the Chairperson of the firm's statewide Public Safety Practice Group which provides litigation and advice and counsel services to police and fire agencies throughout California. As a public safety lawyer, Morin represents agencies in binding arbitrations and other discipline appeal hearings. For example, she represents BART Police Department and handles some discipline cases involving peace officers, even having secured the termination of a peace officer who was involved in the Oscar Grant shooting. Morin also has extensive experience in advising on, and conducting, internal affairs investigations and other workplace investigations. She has conducted internal affairs investigations for police agencies, and has investigated high-level employees and elected/appointed officials for allegations such as harassment, discrimination, embezzlement, and negligence in carrying out their duties. Morin has also testified as a witness in legal proceedings, defending her workplace investigations.

Morin also has experience in labor relations and negotiations on behalf of public sector agencies. She represents local police and fire agencies in labor negotiations with employee unions, and also handles litigation in court and

at PERB arising out of labor relations disputes.

Morin is regularly selected to present at statewide public safety and public sector conferences, including but not limited to: California Police Chiefs', California Special Districts Association, CalPELRA, California County Counsels' Association, and the League of California Cities. Morin also conducts management training programs for LCW's clients on a variety of employment law issues, including POBR and FBOR, discipline and termination, counseling and performance evaluation, leave issues, wage and hour issues, and harassment prevention.

Morin also contributes time to activities designed to influence public policy on police, fire, and labor and employment issues. In 2014, Morin was selected through a competitive process to attend the Senior Executives in State and Local Government course offered by Harvard University's John F. Kennedy School of Government (Executive Education), where she studied cutting edge issues involving public safety, state and local government. She is sought out by police and fire agencies to consult about challenges facing said agencies, she has also authored amicus briefs, published numerous articles, has served as a contributing author to the firm's California Public Agency Labor Employment Blog since its inception, and has been interviewed and quoted by publications on employment law matters, including Newsweek. Morin has also served as a member of the League of California Cities Employee Relations Committee. Additionally, from 2000-2006 Morin served as a lecturer at the California State University, Stanislaus where she taught a pre-law course entitled "Women in American Law." Most recently, Morin was appointed to the Executive Committee for the California Lawyers Association Public Law Section for 2018-2019.

EDUCATION

Harvard University Kennedy School of Government, Senior Executives in State and Local Government
JD, University of San Francisco School of Law
BA, California State University, Stanislaus

LEGAL EXPERTISE

Employment Law
Investigations
Litigation Services
Public Safety

REPRESENTATIVE MATTERS

ADMINISTRATIVE HEARINGS

BART v. BART POA (2014) - Represented BART Police Department as first-chair in a final and binding arbitration proceeding that spanned seven months. Successfully upheld the termination of a police officer who had been terminated by the police chief after the police officer was shown to have exhibited excessive use of force that led to the death of a BART rider.

BART v. BART POA (2013) - Represented BART Police Department as first-chair in a final and binding arbitration proceeding. Successfully upheld the termination of a police officer who had been terminated by the police chief after it was discovered he had been drinking while on duty, had recreationally used drugs with a neighbor, and was subsequently accused of rape by the neighbor the same evening he used drugs with her.

AMICUS BRIEFS

Harris v. City of Santa Monica (2013) - Prepared an amicus brief on behalf of the League of California Cities and the CA State Association of Counties in support of the City of Santa Monica in *Harris v. City of Santa Monica* in which the California Supreme Court agreed with the City and our position that an employee claiming discrimination under the California Fair Employment and Housing Act (FEHA) has the burden to prove that discrimination on the basis of a protected characteristic was a substantial motivating factor for an adverse employment action as opposed to "a motivating factor." In addition, if the employer proves, by a preponderance of the evidence, that it would have made the same employment decision in the absence of any discrimination, the employee is not entitled to receive damages, but may be entitled to other relief, including reasonable attorneys' fees.

APPELLATE

Dennis Wallace v. County of Stanislaus (2016) - Represented the County in the appeal of the 2013 verdict in favor of the County after jury trial #2. The verdict and judgment entered in the County's favor in 2013 after jury trial #2 were successfully upheld on appeal.

LITIGATION

James Arkens v. County of Sutter et. al. (2016) - Represented County of Sutter in employment law litigation brought by former CAO of the County and won a motion to dismiss, with prejudice, on all causes of action pled by Arkens. Arkens alleged wrongful discharge, defamation, age discrimination, and retaliation. The court dismissed the complaint, with prejudice, for failure to allege facts sufficient to sustain any cause of action against the County or the individual defendants, who were elected officials.

Douglas Maner v. County of Stanislaus, Birgit Fladager (2016) - Represented the County of Stanislaus and District Attorney Birgit Fladager and secured complete summary judgment after two motions were brought by each defendant. The County and Fladager had conducted investigations against Plaintiff Maner after receiving complaints of misconduct from judges, law enforcement, victims' next of kin, and co-workers. In 2006, Fladager was elected district attorney, and Maner had supported the opposition candidate. In 2013, he resigned his employment, claiming his work conditions were so intolerable because he had not supported Fladager in the election in 2006, that he was forced to resign. Defendants claimed all of the employment actions taken against Maner were non-retaliatory and a result of his bad behavior in the workplace. The court entered summary judgment in favor of the County and Fladager, finding that Maner had failed to show that the actions taken against him were based on his support of an opposition candidate in an election.

Mark James et. al. v. City of Santa Clara (2016) - Represented the City of Santa Clara and secured complete summary judgment on behalf of the City after three motions were brought against each plaintiff. The City had instituted numerous cost-cutting measures to avoid a fiscal crisis, including layoffs. Plaintiffs, all over 40, were laid off and claimed the City's RIF Plan had a disparate impact on older workers, and that these 3 plaintiffs were subjected to disparate treatment because of their age. City's position was that the layoffs were part of an age-neutral decision, the City was immune from suit for any actions related to the layoffs, and that the three plaintiffs failed to show that City's legitimate, non-discriminatory reasons for the layoffs were a pretext.

SEIU v. County of Mendocino (2016) - Represented the County in a bench trial and secured a judgment on the claims before the court wherein SEIU alleged that the County had illegally contracted out for mental health services with private providers. The court found that the County was legally authorized to contract out with private providers for mental health services in an attempt to provide such services to a vulnerable sector of the community, and denied SEIU's request for a writ of mandate and injunctive relief.

Theresa Gunter v. County of Stanislaus (2015) - Plaintiff claimed she was discriminated and retaliated against for exercising FMLA leave and on the basis of her disability. As a result of the strong defense waged by counsel for the County, the case settled for a confidential, nuisance value amount about two weeks before trial.

Dennis Wallace v. Stanislaus County, Jury Trial #2 (2013) - Represented the County in a 4-week long jury trial and obtained a unanimous defense verdict on both claims before the jury: failure to accommodate a disability and failure to engage in the interactive process. Deputy Wallace, who had filed 15 workers' compensation claims while on duty, had a list of physical restrictions that were established by his doctor, and as a result was re-assigned to "light duty" as a bailiff. Wallace refused the re-assignment, and after saying that he did not agree with doctor's restrictions, asked for a different assignment. When his request was denied, he sued the County.

Lydia Lopez v. County of Stanislaus, Sheriff's Department, and Bill Pooley (2010) - This was a five-week-long superior court jury trial. The case originally involved seventeen causes of action. After successfully defending most of the claims prior to trial, four causes of action went to the jury: sexual harassment, failure to engage in the interactive process (disability discrimination), failure to engage in the interactive process (disability discrimination) and retaliation. A majority of jurors found in favor of the County of Stanislaus on all causes of action. The first cause of action for sexual harassment was 9-3 in favor of the County and Pooley; the second cause of action for retaliation was 10-2 in favor of the County; the third cause of action for failure to provide reasonable accommodation was 10-2 in favor of the County; and the fourth cause of action for failure to engage in the interactive process was 11-1 in favor of the County.

AFFILIATIONS

California Lawyers Association (CLA) Public Law Section - Executive Committee, (2018-2019)

AWARDS

Top 75 Labor & Employment Lawyers, *Daily Journal*, (2016 & 2019)

PUBLICATIONS

California Workplace and School Nondiscrimination Laws Amended to Protect Traits Historically Associated With Race, Including Hair Texture, Braids, Locks, and Twists, Jul 8, 2019

Shelline Bennett, Morin I. Jacob, and Scott Tiedemann Quoted in *Law360* Article on Gender Diversity in Legal Profession, *Press Release* Apr 19, 2016

California Supreme Court Will Review Whether Firefighters Have Right to Review and Respond to Adverse Comments in Supervisor's Daily Log, Jun 10, 2015

Morin I. Jacob Quoted in a *Newsweek* Article on Ellen Pao Trial, *Press Release* Mar 31, 2015

Morin I. Jacob, Richard Kreisler and Scott Tiedemann Quoted in a *AMU's In Public Safety* Article on Succession Planning., *Press Release* Mar 10, 2015

PRESENTATIONS

Public Safety Legal Update, League of California Cities Fire Chiefs Leadership Seminar, Garden Grove, Dec 11, 2019

Legislative and Legal Update, League of California Cities 2019 Fire Chiefs Leadership Seminar, Garden Grove, Dec 11, 2019

Conducting Disciplinary Investigations: Who, What, When and How, Bay Area ERC, Union City, Nov 7, 2019

Advanced Investigations of Workplace Complaints, Bay Area ERC, Union City, Nov 7, 2019

Preventing Workplace Harassment, Discrimination and Retaliation and Performance Evaluations, San Ramon Valley Fire Protection District, San Ramon, Oct 1, 2019

Public Safety Legal Update, Solano County Law Enforcement Executive Administrators, Bodega Bay, Sep 27, 2019

Preventing Workplace Harassment, Discrimination and Retaliation, NorCal ERC, San Ramon, Sep 18, 2019