



FOR IMMEDIATE RELEASE - HIGH PROFILE DECISION

## **Bernard Alexander quoted in connection with *Pao v. Kleiner Perkins***

Underlining Bernard Alexander's status as a premier plaintiffs' side trial lawyer in the state, *The Los Angeles Daily Journal* quoted him extensively at both the beginning and end of the high-profile gender discrimination case brought by Ellen Pao against the venture capital firm of Kleiner Perkins.

Alexander, partner in the firm of Alexander Krakow + Glick, LLP, which specializes in employment discrimination cases exclusively on behalf of employees, was sought after by the Daily Journal on February 24, 2015 for his expertise in jury selection. He warned, "attorneys on both sides have to be careful in how they get jurors dismissed. They only have so many peremptory challenges to jurors, so if possible they would like judges to dismiss obviously biased jurors for cause."

Alexander also cautioned that plaintiffs' attorneys must be especially wary of people working for defense firms or in human resources, because in addition to seeing things more from the employer's perspective, they tend to be leaders. He noted, "if the leader is a person who is defense-oriented, that's a problem." This assessment was prescient - the first juror on the first day had worked for two defense firms.

Pao lost at trial, nevertheless, the case sparked an intense nation-wide conversation about sexism in Silicon Valley and suggested that the case could raise the bar for filing gender discrimination claims, possibly lowering awards as well.

On April 2, 2015, the Daily Journal quoted Alexander again as it reported on Pao's defeat. Alexander said that the case "may scare off plaintiffs whose cases don't have clear, streamlined facts." The Daily Journal reported Alexander as saying that "Pao was swinging for the fences with her damage request" (Pao had asked for \$144 million in punitive damages while, at the same time, her husband was in serious financial difficulty, both facts San Francisco County Superior Court Judge Harold E. Kahn disallowed the jury from finding out.) The Daily Journal further quoted Alexander's suggestion that Pao's approach might have backfired: "Although the same burden of proof applies, the more the plaintiff is seeking in damages, the less forgiving juries will be."

Alexander concluded, "This is a plaintiff that had lots of baggage and could be portrayed as petulant and greedy."

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