



Employee Justice.

J. Bernard Alexander, III

PROFESSIONAL BACKGROUND

Bernard Alexander has been litigating in Los Angeles since 1986. For the past 12 years, plaintiffs' employment litigation has been the primary focus of his practice. He regularly prosecutes employment claims of discrimination, harassment and retaliation based on gender, race, age, sex, sexual orientation and disability.

Including his years as an insurance defense trial attorney, Bernard has tried over 25 cases to verdict, and successfully handled dozens of mediations and arbitrations.

Bernard is recognized for handling difficult public entity litigation that is shunned by most employment attorneys. Some of his most successful trials and mediations have involved representation of public entity employees.

Bernard's litigation skills are enhanced by his substantial background in insurance matters, including handling of special investigation ("fraud") claims. He has conducted hundreds of examinations under oath and provided an equal number of coverage opinions involving homeowners, automobile, business and EPLI policies of insurance.

Bernard has qualified to testify as an expert witness on insurance claims handling, and has given numerous in-house lectures to insurance claims representatives on varied coverage and claims issues.

From 1998 to 2006, Bernard volunteered as a Superior Court Judge Pro Tem in small claims, landlord-tenant and short cause matters. From 1994 to 1999, he received appointments from the Superior Court Arbitrator panel.

RECENT VERDICTS AND SETTLEMENTS

Honeycutt v. Navicert (Nix Check Cashing) – Sexual Harassment, Retaliation Case
(December 2008)

\$1.8 million dollar verdict, including attorney fees, following a binding arbitration. A single mother employed as a teller for approximately 9 months was terminated after being subjected to daily racial epithets in the workplace, and being sent unsolicited sexual text messages by her direct supervisor. Plaintiff was ultimately terminated on pretextual grounds, when she refused to date the supervisor's cousin.

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Comey v. County of Los Angeles – Gender Discrimination: Failure to Promote

(July 2007)

\$1,263,023 jury verdict in a failure to promote gender discrimination case. A 32-year Environmental Health (“EH”) Services employee who was a manager for over nine (9) years and helped create a nationally recognized Lead Program, was passed over for promotion by a series of men. Evidence was presented that: (1) a glass ceiling exists as to Registered EHS certified women, such that no woman had ever been promoted to Bureau Director; and (2) men are groomed for promotion, with interim “acting” appointments, plumb assignments and direct access to upper management. The County unsuccessfully asserted that Plaintiff’s poor management style rendered her unqualified for promotion above manager. However, no performance evaluations or writings documented this belated criticism. For 9 years, Plaintiff had received no performance evaluations, despite her requests, in contrast with numerous evaluations given to male promotees.

Abramovitz v. County of Los Angeles – Gender/Race Discrimination and Retaliation

(October 2007)

\$375,000 settlement for a 27-year female and Jewish employee of Los Angeles County Department of Environmental Health. Plaintiff held the title of Chief of Environmental Health Services for over 18 years and was passed over for promotion, despite being well qualified. During an internal office meeting of approximately 30 members of management and peers, Plaintiff stated that poor morale at the County was a result of the perception that promotions were based on favoritism, rather than dissatisfaction with low pay. After the Director publicly chastised the plaintiff for making the statement, twenty (20) days later, Plaintiff was abruptly reassigned to a remote, isolated, undesirable location. Plaintiff’s daily commute time was tripled, in a form of retaliation known as “freeway therapy.”

Steiner v. City of Los Angeles Port Authority– Age Discrimination and Retaliation

(October 2007)

\$425,000 settlement for failure to promote based on age and retaliation. Two men two levels below Plaintiff, ages 36 and 48, with less experience and qualifications, were selected for promotion one level above the Plaintiff, a 62-year old who had been Electrician Supervisor for five years. Before Plaintiff’s interview, one of the interviewers specifically sought out the Plaintiff and initiated personal conversations about retirement and social security, suggesting that Plaintiff’s age was a consideration in the interviewer’s promotion consideration. Procedures required that the Plaintiff grieve the discriminatory promotion to the promotee, who promptly transferred substantial electrical job duties from the electrical department supervised by Plaintiff. No investigation was conducted of Plaintiff’s complaint of discrimination, or the subsequent complaint of retaliation.

Canchola v. County of Los Angeles – Sleep Apnea Disability Discrimination
(August 2007)

\$325,000 settlement for an 18-year Environmental Health employee assigned to Management Information Systems, where plaintiff performed web maintenance and data queries. Plaintiff had no disciplinary or attendance problems as of 2003. Plaintiff was subjected to retaliation in the form of reprimands and negative performance evaluations for tardiness correlated to Plaintiff’s diagnosed sleep apnea in 2003. The County refused to believe the severity of Plaintiff’s sleep problems, failed to engage in the interactive process, failed to follow its own established interactive procedures, and refused Plaintiff’s requests for reasonable accommodation (e.g., to telecommute or have a flexible work schedule).

EDUCATIONAL BACKGROUND AND ADMISSIONS

Bernard obtained his J.D. from Southwestern University School of Law in 1986, and graduated from the University of California, Los Angeles in 1983, with a B.A. in English and Political Science. He is admitted to practice in all of the courts of the State of California, the United States Supreme Court, the United States Court of Appeals for the Ninth Circuit and the United States District Court for the Central District of California.

ASSOCIATIONS AND INTERESTS

Bernard is a member of the Executive Board of the California Employment Lawyers Association (“CELA”), a member of the Executive Committee of the Labor and Employment Law section of the Los Angeles County Bar Association, and is a frequent speaker on trial and employment law issues, as indicated below. In addition, he is a member of the National Employment Lawyers Association, Consumer Attorneys Association of Los Angeles, the UCLA Alumni Association and the Langston Bar Association.

Bernard is an avid sports fan, and likes to spend his free time with his sons, and volunteering and coaching youth sports programs, including basketball and baseball.

RECENT SPEAKING ENGAGEMENTS

2009

NELA Convention Speaker: Whistleblower claims available to California State and UC Regent employees.

Southern California Mediator Association Speaker: Summary of employment cases for 2008-2009.

LACBA Labor & Employment Law Section Saturday Seminar on "What's in a Failure to Communicate? A Mock Trial on Disability Discrimination (June 2009)

CELA/MABA Joint Program, Speaker: Plaintiff's Perspective on Disability Claims and Cross Over Workers Compensation Issues (February 2009)

2008

State Bar of California Labor & Employment Law Section, Speaker: Disability Discrimination Brown Bag Lunch Series (July 2008)

ABA Labor & Employment Law Section, Speaker: Deposition Techniques that Win Cases (April 2008)

LACBA Labor & Employment Law Section, Speaker: Anatomy of the Plaintiff's Employment Lawsuit and Cutting-Edge Employer Practices to Avoid Employment Lawsuits (February 2008)

2007

CELA Annual Conference (San Jose), Presenter: Disability Discrimination Cases: From Intake through Trial (September 2007)

CELA Presenter: Discovery 101-Depositions: A Key Discovery Tool (May 2007)

LACBA Labor & Employment Section Annual Retreat (April 2007), Panel Moderator: Graphics and Demonstrative Evidence

ABA Annual Convention in San Francisco, Presenter: Top 10 Mistakes Employers Make in Firing (August 2007)

2006

NBI Lecture: "How to Litigate Your First Civil Trial" (2001, 2003, 2005, 2006)

LACBA Labor & Employment Symposium Speaker: "Adverse Action or a Bad Day at the Office? The Evolving Law of Retaliation.

2005

CELA Annual Conference (Long Beach, Queen Mary) Panel Moderator: "Where the Money Is: Seal the Deal with These Winning Tips to Prove Up Damages." (October 2005)

ABA Annual Convention in Chicago, Ill, Presenter: Jury Voir Dire, Opening & Closing Arguments (2005)