



Benjamin A. Emmert

Shareholder

50 West San Fernando Street
7th Floor
San Jose, CA 95113
main: (408) 998-4150
direct: (408) 795-3496
fax: (408) 288-5686
bemmert@littler.com



Focus Areas

Class Action
Litigation and Trials
Appellate
Wage and Hour
Discrimination and Harassment

Overview

Benjamin A. Emmert represents employers in a variety of civil litigation matters in both state and federal court, including trials and appellate advocacy. He also represents the interests of employers in labor matters before administrative agencies and tribunals, such as the Division of Labor Standards Enforcement. He also handles arbitration and mediation. His areas of expertise include:

- Employment discrimination
- Wrongful termination
- Unlawful harassment
- Wage and hour disputes
- Title VII
- The Americans with Disabilities Act
- The Fair Labor Standards Act
- The Family and Medical Leave Act
- The Fair Employment and Housing Act
- The Older Workers Benefit Protection Act

Prior to joining Littler Mendelson, Benjamin was a litigator for a law firm in San Jose, California. In law school, he was editor for the *Santa Clara University Law Review* and was a member of the trial team and Honors Moot Court.

Education

J.D., Santa Clara University School of Law, 2000

B.A., University of California, San Diego, 1991

Bar Admissions

California

Courts

U.S. Court of Appeals, 9th Circuit

U.S. District Court, Northern District of California

U.S. District Court, Eastern District of California

U.S. District Court, Central District of California

U.S. District Court, Southern District of California

Publications & Press

Little Elevates 15 Attorneys to Shareholder

Little Press Release

January 4, 2016

Calif.: Court Rejects Application of FLSA to Security Screenings Under California Law

Society for Human Resource Management (SHRM)

April 23, 2015

Ninth Circuit Finds Auto 'Service Advisors' Not Exempt Under FLSA

Little Insight

March 31, 2015

On-call security guards must be paid for sleeping, California high court says

Thomson Reuters The Knowledge Effect

February 18, 2015

U.S. Supreme Court Denies Cert in PAGA Arbitration Waiver Case

Little ASAP

January 28, 2015

No Lullaby for Employers: California Supreme Court Finds Sleep Periods Considered 'Hours Worked'

Little Insight

January 13, 2015

Speaking Engagements

San Jose Breakfast Briefing Series - February Session

San Jose, CA

February 6, 2020

San Jose Breakfast Briefing Series - January Session

San Jose, CA

January 28, 2020

2018 Bay Area Breakfast Briefing Series

San Francisco, CA

January 31, 2018