

Douglas A. Wickham

Shareholder

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Focus Areas

Litigation and Trials
Unfair Competition and Trade Secrets
Class Actions
Appellate Practice
Alternative Dispute Resolution

Overview

Practicing for more than 32 years, Douglas A. Wickham has substantial trial, appellate and complex litigation experience in a diverse range of employment and labor matters. His practice focuses on complex litigation matters including hotly contested trade secrets and unfair competition cases, high stakes class action and representative action litigation, contested private attorney general matters, sophisticated appellate litigation cases, and defending against and/or enforcing restrictive covenants and includes cases involving the following:

- Trade secrets litigation and the protection of confidential information
- Unfair competition and unfair business practices cases
- Non-solicitation agreements, inventions and intellectual property assignments and covenants not to compete
- Wage and hour class actions and representative actions, Private Attorney General Act (PAGA) claims and Fair Labor Standards Act cases
- Discrimination, harassment and retaliation litigation including wrongful termination cases
- Whistleblower claims
- Appellate litigation
- Breach of contract and partnership disputes

Douglas has extensive knowledge of a wide range of employment law matters before state and federal trial and appellate courts; administrative agencies, such as the Equal Employment Opportunity Commission, the Employment Development

Department, the Department of Fair Employment and Housing, and the California Division of Labor Standards Enforcement; and before arbitration panels in proceedings before the American Arbitration Association, Judicial Arbitration and Mediation Services (JAMS), and Financial Industry Regulatory Authority (FINRA). His expertise includes and extends to claims under the following federal and state laws:

- The Uniform Trade Secrets Act
- The Unfair Competition Law
- The Computer Fraud and Abuse Act
- The Class Action Fairness Act
- Title VII of the Civil Rights Act of 1964
- The Americans with Disabilities Act
- The Family and Medical Leave Act
- The Age Discrimination in Employment Act
- The Fair Employment and Housing Act
- The Fair Labor Standards Act
- The Federal Arbitration Act and state arbitration acts
- The California Labor Code, the California Civil Code, the California Penal Code, and the California Business and Professions Code
- The California Family Rights Act
- The Private Attorney General Act of 2004

Douglas regularly advises clients on compliance with applicable state and federal employment and labor laws and on international and cross-border employment matters and disputes. He also offers advice, counseling and drafting in connection with:

- Executive employment agreements, independent contractor agreements, and consulting agreements
- Confidentiality agreements and policies, inventions and intellectual property assignments, non-solicitation agreements, and other restrictive covenants, including non-competition agreements
- Arbitration agreements and dispute resolution policies
- Corporate transactions including stock and asset purchases and mergers and acquisitions
- Reductions-in-force
- Class action avoidance and defense
- Wage and hour advice and employment policies
- Day-to-day compliance advice and counseling

Additionally, Douglas assists with internal investigations, conducts various types of training sessions and speaks at client briefings on employment and labor topics.

Beginning in 2014, Douglas became available to serve as an arbitrator in proceedings before the American Arbitration Association, where he is a member of the National Employment and Commercial Panels of Arbitrators. He also is available to serve as a mediator, having successfully completed the American Arbitration Association's mediation training program.

Prior to joining Littler, among other things, Douglas served as an Assistant U. S. Attorney in Washington, D.C., where he received numerous awards and commendations including the U.S. Department of Justice's Special Achievement Award. He also served as a federal law clerk to the Hon. Frank X Altimari of the U.S. Court of Appeals for the Second Circuit in New York. In addition, he participated in the National Institute for Trial Advocacy and the U.S. Attorney General's Trial and Appellate Advocacy institutes. In law school, he served as an associate articles editor on the *Georgetown Law Journal* and participated in the appellate advocacy clinic.

Professional and Community Affiliations

- Member, Labor and Employment Section, State Bar of California
- Member, Intellectual Property Section, State Bar of California
- Member, Labor and Employment Law Section, Los Angeles County Bar Association
- Member, Alternate Dispute Resolution Committee, American Bar Association
- Member, Employee Rights and Responsibilities Committee, American Bar Association
- Member, Equal Employment Opportunity Committee, American Bar Association
- Member, International Labor Law Committee, American Bar Association
- Member, National Employment and Commercial Law Panels of Arbitrators, American Arbitration Association

Recognition

- Named, The Best Lawyers in America®, 2021-2022
- Named, Client Service All-Star, *BTI Consulting Group*, 2014
- Named, Super Lawyer, Southern California, *Super Lawyers*, 2004-2009 and 2014-2019

Education

J.D., Georgetown University Law Center, 1986, *cum laude*

B.A., University of California, Los Angeles, 1983

Bar Admissions

California

Courts

U.S. Court of Appeals, 2nd Circuit
U.S. Court of Appeals, 9th Circuit
U.S. Court of Appeals, D.C. Circuit
U.S. District Court, Southern District of California
U.S. District Court, Central District of California
U.S. District Court, Eastern District of California
U.S. District Court, Northern District of California
U.S. District Court, District of Columbia
U.S. District Court, District of Colorado

Publications & Press

Best Lawyers in America© 2022 Edition Honors More Than 240 Littler Lawyers

Littler Press Release

August 19, 2021

Best Lawyers in America© 2021 Edition Honors More Than 250 Littler Lawyers

Littler Press Release

August 20, 2020

Littler Attorneys Named to Elite BTI “Client Service All-Stars” List

Littler Press Release

February 5, 2014

Douglas Wickham Explores CAFA’s Impact on Wage-Hour Class Actions

Bloomberg BNA FLSA Litigation Tracker

May 2, 2013

California Court Upholds Class Action and PAGA Waivers in Arbitration Agreement

Littler Insight

July 9, 2012

US Supreme Court Rejects State Public Policy Grounds for Refusing to Enforce Arbitration Agreements Under the FAA

Littler Insight

March 5, 2012

California Court Finds Obtaining Trade Secrets Through Reverse Engineering Permissible

Littler ASAP

February 27, 2012

Data Preservation is Critical in Trade Secrets Cases

Littler ASAP

February 27, 2012

Federal Sentencing of Wall Street Computer Programmer Underscores That Trade Secrets Theft Is a Crime

Littler ASAP

March 29, 2011

The Littler Ten: Employment, Labor and Benefit Law Trends for Navigating the New Decade

Littler Report

September 30, 2010

The Mixed Bag of Edwards v. Arthur Anderson: Narrow Restraints in Non-Competition Agreements Are Not Allowed, Indemnity Rights Are Unwaivable But Broad Releases of "Any and All Claims" Are Valid

Littler Insight

August 18, 2008

Federal Arbitration Act Trumps State Laws Lodging Primary Jurisdiction in State Administrative Forums

Littler Insight

March 3, 2008

Gentry v. Superior Court: California Supreme Court Sets a High Bar for Enforcing Class Arbitration Waiver Clauses

Littler Insight

September 17, 2007

Doug Wickham Encourages Zero Tolerance for Violence

Press-Telegram

March 5, 2007

The Private Attorneys General Act of 2004: One of California's Newest Laws Threatens to Flood Employers with Class Action Lawsuits When an Ounce of Prevention Could Avoid Them

Littler Insight

October 10, 2003

Good Genie: Supreme Court Clears Another Judicial Barrier to Arbitration

Los Angeles Daily Journal

April 26, 2001

Terminator Sued: Employer Liable for Firing Employee for Refusal to Sign Covenant

Los Angeles Daily Journal

February 22, 2001

Equitable Enforcement: California Supreme Court Rejects Duffield

Los Angeles Daily Journal

September 14, 2000

The California Supreme Court Permits Mandatory Arbitration of California Statutory Employment Discrimination Claims As Long As Procedural Safeguards Are Met

Littler Mendelson ASAP

September 2000

Hat Trick: Trio of Decisions Requires Companies to Put Everything Down on Paper

Los Angeles Daily Journal

July 13, 2000

Outside Chance: Nonexclusive Remedies for Work-Related Injury

Los Angeles Daily Journal

October 8, 1998

Federal Court Holds That Prospective Agreements to Arbitrate Title VII Claims Are Unenforceable

California/National Personnel Law Update

July 1998

Books & Book Chapters

- *International Employment and Labor Law, 2nd Ed.*, chapter editor, 2010
- *Employment Arbitration Agreements: A Practical Guide*, chapter author, 2009
- *Employment Law Class Actions*, chapter author, 2007
- *Drafting Employment Documents for California Employers*, chapter author, 2018