

James Hart

Shareholder

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Focus Areas

Class Action
Wage and Hour
Discrimination and Harassment
International Employment Law
Appellate

Overview

James Hart represents and counsels public and private sector employers in a wide range of employment and labor matters, with experience in all facets of the litigation process, from initial investigation and filing through trial and appeal. He practices in federal and state courts in California, both at the trial and appellate level, and before the Department of Fair Employment and Housing, the Department of Labor, the California Division of Labor Standards Enforcement and the Workers' Compensation Appeals Board. He has specific experience with:

- Wage and hour laws and regulations, including those that cover classification, overtime, off-the-clock, and meal and rest policies
- The Americans with Disabilities Act and corresponding state disability laws
- Privacy laws
- Appellate procedure

Additionally, James has assisted with internal human resources investigations of employees, audits of company policies, and other ongoing employee matters, such as workplace violence restraining orders. He also provides his clients with compliance counseling.

James regularly represents clients in the following industries:

- Hospitality such as hotels and restaurants

- Medical including hospitals, paramedics, doctors, and pharmacies
- Technology companies
- Retail establishments including supermarkets and clothing chains
- Transportation including trucking companies and travel associations

James conducts training on harassment, termination procedures, wage and hour and other issues. He regularly presents for the Continuing Education of the Bar. A founding member of Littler's Orange County office, he is active in the international employment law activities of the firm.

Prior to joining Littler, James practiced criminal law as a deputy attorney general in the California Attorney General's Office. While there, he prosecuted felonies and misdemeanors and defended criminal convictions on appeal and in *habeas corpus* proceedings. He also participated in an exchange program with the Los Angeles City Attorney's Office, worked in the business affairs department at an entertainment company and worked in the music industry. James was an extern to the Hon. Consuelo B. Marshall of the U. S. District Court for the Central District of California.

Professional and Community Affiliations

- Member, Board of Directors, Employer Advisory Council of Orange County
- Editor, The Advisor, Employer Advisory Council of Orange County
- Member, Board of Directors, The Discovery Eye Foundation
- Member, Orange County Bar Association
- Member, Los Angeles County Bar Association
- Member, British American Business Council, Orange County
- Member, University of California, Irvine Alumni Association
- Member, TechAmerica
- Member, Southern California Business Ethics Roundtable

Education

J.D., Pepperdine University School of Law, 1997, *With Honors*

B.A., University of California, Irvine, 1993

Bar Admissions

California

Publications & Press

New California Law Prohibits Choice of Law and Venue in Employment Contracts

Littler Insight

October 3, 2016

Private Attorneys General Act (PAGA) Amended to Address Some Excesses

Littler ASAP

October 5, 2015

DOL Releases New 20-Year Anniversary Survey of the FMLA

Littler ASAP

February 5, 2013

Ninth Circuit Unconvinced that Out-of-State Employee Claims Are Invalid

Littler ASAP

December 28, 2011

No Boundaries for California Overtime Laws?

San Francisco and Los Angeles Daily Journal

August 19, 2011

California Supreme Court Finds Out-of-State Employees Working in California Are Protected by California Overtime Laws

Littler Insight

July 7, 2011

The California Supreme Court Rules Employees Working in California Are Protected By California Overtime Laws in Sullivan v. Oracle

Littler ASAP

July 5, 2011

The Future Of PEOs and Employment Class Action Litigation

PEO Insider

May 2011

In Hertz v. Friend, the U.S. Supreme Court Clarifies the Path to Federal Courts

Littler Insight

March 2, 2010

Helping and Managing a Company's Haitian Workforce

San Francisco Daily Journal

February 22, 2010

Helping Haiti: Tips for Companies Offering Aid

San Francisco Daily Journal

February 19, 2010

Employment Issues Following the Haitian Earthquake

Littler Insight

January 24, 2010

California Court of Appeal Holds Arbitration Agreement Controlling in Administrative Wage Claim

Littler ASAP

June 8, 2009

California Supreme Court Certifies Issues For Review In Sullivan v. Oracle Corp.

Littler ASAP

April 30, 2009

Ninth Circuit Withdraw its Decision in Sullivan v. Oracle

Littler ASAP

February 18, 2009

Colorado and Arizona Employees Working in California Are Protected By California Overtime Laws According to the Ninth Circuit

Littler Insight

November 13, 2008

Preparing the Workplace for a Pandemic

California Bar Journal

September 1, 2008

The California Supreme Court Narrowly Rules That Individuals Are Not Liable for Retaliation in Some Circumstances

Littler Insight

March 6, 2008

English Only Rules In The Workplace

Orange County Bar Journal

November 2007

Insurance Czar's Moves Aim To Avert Crisis

Los Angeles Daily Journal

June 7, 2007

Who's There? What to Do When the Government Is Knocking on Your Door - An Employer's Guide to Handling Government Visits and Information Requests

Littler Report

April 23, 2007

Changes Made to the Way You Pay Your Employees: Temporary Employees, Overtime and Bonuses

Orange County Bar Journal

March 12, 2007

Numbers Count

The Advisor

2007

Will A New Exception To Worker's Compensation Emerge?

California Labor & Employment Law Quarterly

Speaking Engagements

Southern California Legal Update Series - Costa Mesa

Center Club Orange County 650 Town Center Drive Garden Level Costa Mesa, CA 92626

January 16, 2020

Employment Law Update Topics

Client Webinar

October 15, 2019

Southern California Legal Update Series - Costa Mesa

Center Club Orange County 650 Town Center Drive, Garden Level Costa Mesa, CA 92626

January 22, 2019

2018 Southern California Regional Employer

Hyatt Regency Long Beach 200 S Pine Ave. Long Beach, CA 90802

October 26, 2018

Trends In Personal Liability for Corporate Officers, Directors and Managers in Employment Litigation

Irvine, CA

July 17, 2018

Breaking Up Is Hard to Do: Managing Challenges that Arise When the Employment Relationship Ends

Littler Executive Employer, Phoenix, AZ

May 3, 2018

Southern California Legal Update - Costa Mesa

Los Angeles, CA

November 7, 2017

Payrolls, Politics, Privilege, Predators and Other Predicaments in Today's Workplace

American Payroll Association

December 14, 2016

Southern California Breakfast Briefing - Costa Mesa

The Westin South Coast Plaza 686 Anton Blvd Costa Mesa, CA 92626

November 3, 2016

Employee Handbooks, The Basics 2016: Employment Law

September 15, 2016

Security and Privacy Issues, The Basics 2016: Employment Law

September 15, 2016

Preparing for Change: DOL's Final Rule on Overtime

American Payroll Association

August 18, 2016

Mental Illness and the ADA: What Employers in the Retail Industry Need to Know

July 19, 2016

HR Best Practices: Handbooks, Employment Agreements and Job Descriptions

Employers Advisory Council

July 14, 2016

Class Action Trends and the Importance of Experts in Class Actions

CalCPA

July 2016

New Employment and Labor Laws for 2016 - Irvine

Irvine, CA

January 21, 2016

Managing California's Mandatory Paid Sick Leave Law

June 2015

New Employment and Labor Laws for 2014 and 2015

Irvine, CA

January 23, 2014

Horses, Tattoos and Guns... Accommodation Issues and Solutions for Today's Workplace

Professionals In Human Resources Association (PIHRA), Santa Clarita, CA

December 12, 2013

Horses, Tattoos & Guns...Accommodation Issues & Solutions for Today's Workplace

Professionals In Human Resources Association (PIHRA), Antelope Valley, CA

November 13, 2013

Using Social Media in Legal Investigations: Traversing the Ethical Minefield

CLE Presentation - Center for Competitive Management (C4CM)

July 16, 2013

Employee From Hell

Irvine, CA

June 25, 2013

New 2013 California Labor Laws and Changes & Affordable Healthcare Act Update

Russ Gunn Insurance Agency, INC., Downey, CA

February 8, 2013

Back to the Basics of Preparing and Opposing Pre-Trial Motions—A Course on Procedure

Continuing Education of the Bar

September 2010

Restructuring the workforce - Early retirement incentives, severance, and downsizing

International Society of Certified Employee Benefit Specialists, Orange County Chapter

May 2009

Developing Your Basic Evidence Skills

Continuing Education of the Bar

March 2008

Terminating Employees With Dignity and Respect

Employer's Advisory Council of Orange County

January 2008

Emerging Issues in Employment Law

Continuing Education of the Bar

February 2007

New Developments In Wage and Hour Law

Hospitality, Finance, and Technology Professionals

April 2011 and February 2007

Books & Book Chapters

- Drafting Employment Documents for California Employers, *Continuing Education of the Bar*, Hiring Forms and Checklists, Chapter 1, Chapter Co-Author, 2012 and 2013
- Hiring, Annotated Employment Document Guide, *Continuing Education of the Bar*, Co-Author: Douglas Wickham, 2011