



## Theodora R. Lee

Shareholder

Treat Towers

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## Focus Areas

Litigation and Trials

Wage and Hour

Class Actions

Discrimination and Harassment

Labor Management Relations

Inclusion, Equity and Diversity

## Overview

Theodora R. Lee has extensive courtroom experience and practices before all state and federal courts in California and all employment-related regulatory agencies. She represents employers in:

- Class action litigation
- Wrongful termination and employment discrimination litigation
- National Labor Relations Board matters
- Representation cases
- Unfair labor practice proceedings
- Grievance arbitrations
- Title VII proceedings, including race, sex, religious and age harassment and discrimination
- Unfair competition proceedings
- State and federal wage and hour litigation

Theodora's recent litigation successes include class actions involving disparate impact; unpaid commissions and expense reimbursement; employee status, overtime, meal and rest periods; and overtime and exempt status under the California Labor Code and Fair Labor Standards Act. She also has served as lead trial counsel or co-counsel in multiple jury trials and

obtained defense verdicts in cases alleging race discrimination, racial harassment, sexual harassment and retaliation, as well as a case alleging violation of the Unruh Civil Rights Act and intentional infliction of emotional distress.

Additionally, she defends various corporations in cases in state or federal courts alleging Fair Employment and Housing Act violations, wage and hour class actions, and whistleblower and wrongful termination claims, and has obtained dismissals via summary judgment in countless cases.

A settlement commissioner, AAA certified arbitrator and mediator, Theodora has concluded more than 1,000 matters through use of private arbitration or mediation, including large, complex, multi-party litigation actions, and individuals suing their employers.

Theodora also counsels employers on:

- The Americans with Disabilities Act
- The Uniform Trade Secrets Act
- The California Business and Professions Code
- The Family and Medical Leave Act
- Employee terminations
- Corporate compliance
- Litigation avoidance
- Reductions-in-force
- The development of personnel policies and procedures
- Workplace violence
- Pre-employment screening
- Federal and state wage and hour issues
- Employment agreements
- Restrictive covenants
- Trade secrets and unfair competition
- Drug and alcohol testing

Theodora has been a contributing writer to numerous employment law publications and presents seminars on a wide variety of employment issues and regularly conducts in-house employment law training programs. She is an elected member of the American Board of Trial Advocates (ABOTA).

Prior to entering the practice of law, Theodora worked as a Senate intern in Washington, D.C., for Senator Sam Nunn.

## Professional and Community Affiliations

- Elected Member, American Board of Trial Advocates (ABOTA), 2019
- Advisor, Executive Committee, Labor and Employment Law Section, California Lawyers Association
- Member, Alameda County Bar Association

- Member, American Bar Association
- Member, Bar Association of San Francisco
- Member, Board of Directors, YMCA - San Francisco
- Member, Litigation Counsel of America
- Former Member, Board of Directors, Bay Area Legal Aid
- Former Member, Board of Directors, United Negro College Fund, Northern California
- Former Member, Board of Directors, Leadership California
- Former Member, Executive Committee, Labor and Employment Law Section, State Bar of California
- Former President, Bay Area Black United Fund
- Former President, Alameda County Community Food Bank
- Former President, Barristers Section, Alameda County Bar Association
- Member, National Bar Association
- Fellow, American Bar Foundation
- Life Member, California Association of Black Lawyers
- Life Member, Black Women Lawyers Association of Northern California
- Member, Contra Costa County Bar Association
- Member, National Employment Law Council
- Member, California Minority Counsel Program
- Arbitrator and Mediator, American Arbitration Association
- Member, Phi Alpha Delta Law Fraternity, International

## Recognition

- Awarded, AV<sup>®</sup> Peer Review Rating, *Martindale-Hubbell*
- Named, The Best Lawyers in America<sup>®</sup>, 2021-2022
- Named, Super Lawyer, Northern California, *Super Lawyers*, 2004-2006, 2011-2020
- Named, America's Top 100 High Stakes Litigators, *America's Top 100*, 2020-2021
- Named, Leading Law Firm Rainmakers, *Minority Corporate Counsel Association*, 2010

## Education

J.D., University of Texas School of Law, 1987

B.A., Spelman College, 1984

## Bar Admissions

California

Texas

## Courts

U.S. Supreme Court  
U.S. Court of Appeals, 9th Circuit  
California Supreme Court  
Texas Supreme Court  
U.S. District Court, Northern District of California  
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, District of Arizona  
U.S. District Court, District of Colorado  
U.S. District Court, District of Columbia

## Publications & Press

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

*Littler Press Release*

August 19, 2021

### **Three Littler Attorneys Named to the National Black Lawyers Top Lists**

*Littler Press Release*

March 17, 2021

### **Preventing workplace harassment during a pandemic**

*Restaurant Hospitality*

January 29, 2021

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

*Littler Press Release*

August 20, 2020

### **Drinkers are supporting black-owned wine businesses right now. Will it last?**

*San Francisco Chronicle*

June 4, 2020

### **Littler's Theodora Lee Elected to American Board of Trial Advocates**

*Littler Press Release*

October 18, 2019

**Sexual Harassment Training in Vogue for Companies After Scandals**

*San Francisco Chronicle*

November 28, 2017

**The Transformation of the Workplace Through Robotics, Artificial Intelligence, and Automation**

*Littler Report*

August 4, 2016

**Employment Law: Issues Involving Bullying in the Workplace**

*KALW Local Public Radio*

May 13, 2015

**Four Steps to Maximizing the Effectiveness of Your Mediation**

*Legal by the Bay, News from the Bar Association of San Francisco and the Justice and Diversity Center*

December 26, 2014

**Labor and Employment Digest: February 2014**

*InsideCounsel*

January 24, 2014

**Labor and Employment Digest**

*InsideCounsel*

January 1, 2014

**The Affordable Care Act (Obamacare)**

*KALW, 91.7 FM*

November 13, 2013

**The Legal and Effective Business Use of Social Media in the Workplace**

*California Business Law Practitioner*

January 14, 2013

**Lawyers Debate DOL Wage and Hour Tactics, Suggest Some Areas for Clarification, Change**

*BNA Daily Labor Report*

November 5, 2012

**Preserving A Record For Appeal While Keeping The Jury On Your Side**

*The Practical Litigator*

July 11, 2007

**Can You Use HR Experts in Employment Cases?**

*The Practical Litigator*

March 1, 2007

**Theo Lee Weaves Through Complex Benefits Laws of Paid Sick Days**

*Park Rapids Enterprise*

December 12, 2006

**Theodora Lee Participates in an In-Depth Roundtable on the Recent Rulings in California Employment Law Cases**

*California Employment Law Magazine*

December 30, 2005

**Know Thy Hires: Amendments to State Laws Require Employers to Review Their Policies**

*San Francisco Daily Journal*

May 28, 2002

**Speaking Engagements**

**2022 Employment Law Update**

Littler Executive Employer Conference

May 5, 2022

**2021 California Virtual Regional Employer Conference**

Sacramento, CA

October 28, 2021

**Employers' Pandemic Dilemma - Looking Forward**

Elevating Black Excellence West Summit, Black In House Counsel Network

October 21, 2021

**Trying Race Discrimination Cases**

Racial Equity Series, sponsored by the ACBA Labor and Employment Section, ACBA, CHBA, and CABL

August 5, 2021

**Gender Discrimination in the 2020s Workplace**

Employment Discrimination Law & Litigation 2021, PLI Webinar

June 14, 2021

**How to Succeed at Corporate Connections**

CMCP 2020 Virtual Conference

September 22, 2020

**Misclassification of Workers as Independent Contractors Rather Than Employees: The ABC Test and Its Exceptions**

CLE Webinar

July 8, 2020

**Protecting Our Future: Are You Ready?**

National Bar Association, Atlanta, GA

March 20, 2020

**Power of Networking: Benefits of the Positive Approach**

2020 Bay Area Women Lawyers Retreat

March 1, 2020

**The Trump National Labor Relations Board's Impact on Labor Arbitration**

American Bar Association, Playa del Carmen, Mexico

January 26, 2020

**It's NOT as Easy as A-B-C! Practical Tips for Doing Business in California Post AB 5**

October 1, 2019

**Staying Alive After AB5 - Can California Businesses Still 'Depend' on Independent Contractors?**

August 8, 2019

**High-Level Mediation Strategies**

NELC Academy, San Diego, CA

April 25, 2019

**2019 Puerto Rico Conference**

San Juan, PR

April 12, 2019

**Considerations in Handling Workplace Discrimination and Harassment Complaints: A Step-by-Step Approach**

NBA Mid-Year Conference, Dallas, TX

March 8, 2019

**Bay Area Breakfast Briefing Series - San Francisco**

Four Seasons Hotel San Francisco, Veranda Ballroom A757 Market St.San Francisco, CA 94103

January 30, 2019

**Bay Area Breakfast Briefing Series - Lafayette**

Lafayette Park Hotel & Spa, Independence Room3287 Mt Diablo Blvd.Lafayette, CA 94549

January 24, 2019

**Predictable Scheduling, Access To Hours, and Fair Workweek Legislation**

NELC 2018 Conference, New Orleans, LA

April 19, 2018

**Defending and Preparing Witnesses for Depositions**

NELC Academy Planning Committee, New Orleans, LA

April 19, 2018

**Diversity and Inclusion: From Rhetoric to Reality**

LSBA 11th Annual Conclave on Diversity in the Legal Profession, New Orleans, LA

March 9, 2018

**Enough is (NOT) Enough: Yes, We Can Close the Pay Gap!**

13th Annual Black Enterprise Women of Power Summit, Orlando, FL

March 8, 2018

**Moderator, General Counsel Panel**

NELC San Francisco Regional Conference, San Francisco, CA

March 2, 2018

**Spotting and Addressing Discrimination and Bias in the Tech Sector**

PLI Tech Sector Employment Law Hot Topics for the California Lawyer, Menlo Park, CA

January 25, 2018

**Silicon Valley: Driving Growth And Opportunity for the Black Lawyer**

National Bar Association, Menlo Park, CA

January 19, 2018

**Equal Pay Laws and Pay Equity Audits**

National Bar Association Labor & Employment Section Annual Conference, Atlanta, GA

October 27, 2017

**Lessons Learned from Trials: Strategies for Avoiding, Assessing, and Handling Employment Claims**

NACUA Annual Conference, Chicago, IL

June 26, 2017

**2017 Employment Law Update**

The 2017 Executive Employer® Conference, Phoenix, AZ

May 11, 2017



**Working With and Managing the Whistleblower**

National Employment Law Council Annual Conference, Denver, CO  
April 27, 2017

**2017 Littler Global Puerto Rico Conference**

San Juan, PR  
April 7, 2017

**2017 Bay Area Breakfast Briefing - Walnut Creek**

Walnut Creek, CA  
January 20, 2017

**The Big Switch**

Watermark Entrepreneur Conference 2016, Mountain View, CA  
October 6, 2016

**Leave Law Summit**

Contra Costa County Bar Association, Concord, CA  
October 4, 2016

**Getting Yes: Advanced Tips on Effective Settling/Mediating Your Labor and Employment Cases**

89th Annual Meeting of the State Bar of California, San Diego, CA  
September 29, 2016

**Getting to Yes: Advanced Tips on Effective Settling/Mediating Your Cases**

2016 State Bar Annual Conference, San Diego, CA  
September 29, 2016

**Independent Contractor or Employee: Misclassification Can Be Costly**

Webinar, Continuing Education of the Bar, California Program  
August 18, 2016

**What Do You Mean It's Not Privileged?**

Walnut Creek, CA  
August 11, 2016

**What Do You Mean It's Not Privileged?**

San Francisco, CA  
August 9, 2016

**2016 Employment Law Update**

The 2016 Executive Employer® Conference, Scottsdale, AZ  
May 5, 2016

**E-Discovery in Litigation: How are PDAs, FitBits and Big Data Affecting Litigation?**

National Employment Law Counsel, Orlando, FL  
April 20, 2016

**The ABC's of LGBT**

Minority Corporate Counsel Association, San Diego, CA  
October 6, 2015

**The Blueprint Program**

Minority Corporate Counsel Association, San Diego, CA  
October 5, 2015

**Employment Litigation Evidentiary Problems**

National Employment Law Council, Chicago, IL  
April 22, 2015

**Mock Trial of a Disability Case**

Trial Demonstration Seminar, Labor & Employment Law Section – The State Bar of California, Los Angeles, CA  
November 18, 2014

**Defending and Managing the Latest Off-the-Clock Claims Involving the Continuous Work Day, Use of Smartphones/  
Mobile Devices Outside of Scheduled Hours, Working Remotely, and Alternative Working Arrangements**

Los Angeles, CA  
September 30, 2014

**Ethical Minefields and eDiscovery: A Perfect Match**

San Diego, CA  
September 11, 2014

**Ethical Minefields and eDiscovery: A Perfect Match**

Boston, MA  
August 8, 2014

**Who's the Boss of You? The Latest Developments on Independent Contractor vs. Employee and Joint Employer Issues**

Los Angeles, CA  
July 30, 2014

**They're Not Our Employees. Really! Legal Compliance in the Age of the Contingent Workforce**

Professional Casualty Services, Inc., Monterey Park, CA

March 20, 2014

**The Affordable Care Act: Implementing Obamacare**

Los Angeles, CA

March 12, 2014

**What's it Worth? Valuing Employment Cases for Mediation and Trial**

San Francisco, CA

September 20, 2013

**Give 'em L! LGBT Ladies Salon & Talk-Show: Supreme Court Edition**

San Francisco, CA

September 12, 2013

**Labor and Employment**

Acquiring or Selling the Privately Held Company 2013 - Practising Law Institute (PLI), San Francisco, CA

April 30, 2013

**Damages in EEO Cases: Strategic Use of Expert Witnesses & Motion Practice**

46th Annual Pacific Coast Labor & Employment Law Conference, Seattle, WA

April 26, 2013

**Ethical Minefields and eDiscovery: A Perfect Match**

18th Annual Conference - National Employment Law Council, Houston, TX

April 25, 2013

**Goodbye is Forever—or Is It? Planning for Departure, Getting Clear Title to Your Social Media Assets and Other Ways of Protecting Your Confidential Information**

Littler Mendelson, San Francisco, CA

April 10, 2013

**What's Missing From the DOL Regulations: A Litigator's Wish List**

6th Annual Labor and Employment Law Conference - American Bar Association (ABA)

November 1, 2012

**Current Issues in Trade Secret Litigation**

Los Angeles, CA

June 14, 2012

**The Paperless Future is Here: Implementing an Electronic Payment of Wages Program, the New Wage Theft Prevention Act and Lessons for California Employers from the Brinker Decision**

HR West 2012

April 25, 2012

**Top 5 Traps to Avoid in Preparing and Examining Expert Witnesses**

Washington, DC

April 19, 2012

**Recent Developments in Wage and Hour Law**

5th Annual Labor and Employment Law Conference, Section of Labor & Employment Law - American Bar Association, Seattle, WA

November 4, 2011

**RIFs -The Advanced Course: How to Do It Right and Why Ricci May Affect Internal Reviews and Impact Layoffs**

29th Annual Meeting, Labor and Employment Law Section - State Bar of California, Anaheim, CA

October 14, 2011

**Wage and Hour Litigation: Focus on the Hotbed of California**

San Francisco, CA

September 21, 2011

**Social Media Grows Up: The Legal and Effective Business Use of Social Media**

84th Annual Meeting - State Bar of California, Long Beach, CA

September 15, 2011

**The Great Digital Communication Migration: The Legal Impact of Social Media, Smartphones and Testing**

27th HR West Annual Conference - NCHRA, Oakland, CA

April 11, 2011

**Litigating Wage and Hour Class Actions**

Labor and Employment Law Section - State Bar of California, San Francisco, CA

November 16, 2010

**Pay-Up! What do FLSA Violations Really Cost**

Annual Conference, Section of Labor and Employment Law - American Bar Association, Chicago, IL

November 5, 2010

**Unscrambling the Alphabet Soup of Employee Leave Laws: FMLA/CFRA/ADA/WC**

83rd Annual Meeting - State Bar of California, Monterey, CA

September 26, 2010

**2010 Employment Law Update**

85th Annual Convention, Labor and Employment Law Section - National Bar Association, San Diego, CA  
August 11, 2010

**Punching Employers' Clocks: Top Ten Ways Payroll and Timekeeping Systems are Being Used to Create Class Actions**

26th HR West Annual Conference - NCHRA, San Francisco, CA  
April 26, 2010

**Supreme Court Review—The Justice Sotomayor Factor**

3rd Annual Labor and Employment Law CLE Conference - National Bar Association, Atlanta, GA  
March 26, 2010

**Taking a Faculty Academic Misconduct Case to a Jury Trial**

2010 Spring Workshop - National Association of College and University Attorneys, San Diego, CA  
March 18, 2010