



Theodora R. Lee

Shareholder

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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
- 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
- Member, Trial Law Institute
- Member, Diversity Law Institute
- Barrister, Order of Veritas

Recognition

- Awarded, AV[®] Peer Review Rating, *Martindale-Hubbell*
- Named, The Best Lawyers in America[®], 2021-2024
- 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
- Senior Fellow, *Litigation Counsel of America*

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

What's Contributing to the Decline in SF Superior Civil Filings?

The Recorder

November 13, 2023

Best practice, potential pitfalls for diversity, equity and inclusion programs

Daily Journal

November 4, 2022

Reverse Discrimination

Black In-House Counsel 2022 Annual Report

September 27, 2022

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

Wealth Management

Elevating Black Excellence West Summit Panel

October 28, 2023

The Art of the Pitch

National Bar Association, 2023 L&E Section Annual Conference

October 26, 2023

The Proliferation of Anti-Directives - What Does the Future Hold?

NELC Regional Panel-Silicon Valley, CA

October 12, 2023

Employment Law Update

Littler Executive Employer Conference, Phoenix, AZ

May 11, 2023

NELC Legal Update: Notable United States Supreme Court Decisions Affecting Employers

NELC

May 2, 2023

Employment Law Developments

Western Bankers Association Annual Bank Counsel Seminar, Las Vegas, NV

November 14, 2022

Focusing on the "E" in IE&D: Addressing Some of 2022's Inclusion Tensions

2022 California Virtual Regional Employer Conference

November 2, 2022

The New Business Models: More Remote Work Brings More Significant Physical and Cybersecurity Issues

National Bar Association 2022 Labor and Employment Section Annual Conference

October 28, 2022

Employer's Pandemic Dilemma - Looking Forward

Elevating Black Excellence West Summit Panel

October 21, 2022

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

Defending and Preparing Witnesses for Depositions

NELC Academy Planning Committee, New Orleans, LA

April 19, 2018

Predictable Scheduling, Access To Hours, and Fair Workweek Legislation

NELC 2018 Conference, 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