

## James Hart

Shareholder

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## Practice 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

## Events & Speaking Engagements

### Southern California Legal Update Series - Costa Mesa

January 16, 2020

### Employment Law Update Topics

Client Webinar

October 15, 2019

### Southern California Legal Update Series - Costa Mesa

January 22, 2019

### 2018 Southern California Regional Employer

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**

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

### **New Developments In Wage and Hour Law**

Hospitality, Finance, and Technology Professionals  
April 2011 and February 2007

### **Emerging Issues in Employment Law**

Continuing Education of the Bar  
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

### **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 ASAP*  
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?**

*External Publication*

August 19, 2011

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

*Littler ASAP*

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 ASAP*

March 2, 2010

**Helping and Managing a Company's Haitian Workforce**

*External Publication*

February 22, 2010

**Helping Haiti: Tips for Companies Offering Aid**

*External Publication*

February 19, 2010

**Employment Issues Following the Haitian Earthquake**

*Littler ASAP*

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 ASAP*

November 13, 2008

**Preparing the Workplace for a Pandemic**

*External Publication*

September 1, 2008

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

*Littler ASAP*

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*