

Innovative Specialty Courts at Chapman Symposium

ecutors must support these kinds of courts for those kinds of offenders. The reason "is the recidivism rate of those who come out of prison is 75 percent," she said, "Unless we stop the revolving door, we're going to have more crime."

It was the less well established mental health and domestic violence courts that drew some opposition Friday. Chapman visiting professor Elizabeth L. MacDowell, a domestic violence expert, said she believes integrated courts that handle both the civil and criminal responses to abuse are risky and could short-change victims.

But Yolo County Deputy District Attorney Jean Jordan Ferguson, who went on Friday evening to receive her LL.M. in prosecutorial science from Chapman law school, advocated domestic violence courts that bring in not only defendants, but their victims, family members, friends and people from the community.

Playing off a common derogatory term for collaborative courts, Ferguson said, "We're not just talking about hug-a-thug, we're talking about hug-a-thug's family."

One thing Marlowe and others agreed on is that collaborative courts work better when judges are in charge. "There's something about the courtroom," Marlowe said.

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Coughlin Stoia

disclosed he was under federal criminal investigation. In 2007, Lerach pleaded guilty to a felony and admitted running a kickback scheme with plaintiffs in his cases.

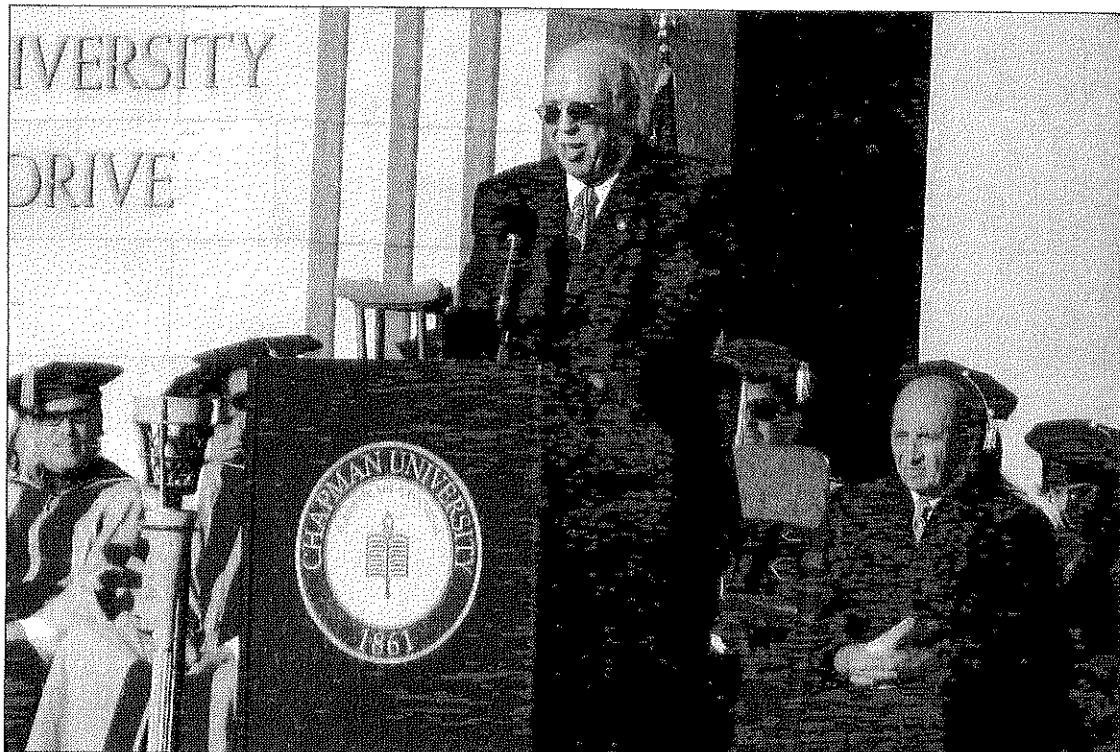
"Listen, he liked us, he said good things about us," said Patrick Coughlin, of Coughlin Stoia in San Diego, said of Rosenbaum.

"His state has been wracked by what's happening with the economy. If everybody's suffering with this, he thinks we should be suffering too."

In striking down the fee request, Rosenbaum took special care to note that a judge has authority to reject a fee agreement between the plaintiffs and their counsel.

In this case, CalPERS hired Coughlin Stoia to litigate on a contingency basis, with a contract that it could take between 11 percent and 13 percent of the money it recovered as attorney fees.

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Roger W. Boren, administrative presiding justice of the 2nd District Court of Appeal, addresses the inaugural graduating class of Chapman University School of Law masters of laws program in prosecutorial science, the only such program in the nation.

S.F. Attorneys Take on Valero in Wage Case

By Rebecca Beyer
Daily Journal Staff Writer

A San Francisco media and consumer products litigation firm that recently aligned with an East Coast shop to expand into employment class actions has already seen the move pay off.

On Monday, Michael F. Ram and Karl Olson, who split up with two colleagues earlier this summer to become Ram & Olson, signed onto a massive wage and hour class action against San Antonio-based Valero Energy Corp.

The two attorneys, who became of-counsel at Sanford Wittels & Heisler on July 1, are co-counsel for a potential class of more than 5,000 convenience store managers seeking \$100 million in unpaid wages.

Ram & Olson share an office space with Sanford Wittels & Heisler, which had only one attorney in San Francisco. The latter firm has offices in New York, New Jersey and Washington, D.C.

"We've gone into this new venture with Sanford," Ram said. "We've always wanted to do plaintiffs' employment cases and these guys have that expertise."

The suit is one of the first the two firms have filed together since joining forces. Ram said he has handled mostly consumer product cases in

the past. Olson said he has handled some wage-and-hour cases but has a media practice as well.

Olson said wage-and-hour litigation is "certainly a very important practice area right now."

"I think there's a real need for it," he said.

Janette Wipper, of counsel at Sanford Wittels & Heisler in New York, said the move is part of an effort by her firm to expand and that Ram and Olson are "very talented lawyers" with a lot of experience handling class actions.

In the case against Valero, managers and assistant managers, who operate nearly 6,000 Valero gas stations nationwide, claim the San Antonio-based energy giant does not pay them for meal and rest breaks or for extra hours of overtime that they accrue during the week, according to the complaint.

Additionally, two of the three named plaintiffs listed in the lawsuit plan to bring retaliation claims against Valero, according to Sanford Wittels & Heisler New York partner Steven L. Wittels. Santa Cruz residents Dorothy McCarthy and Janice Clifton complained about their overtime pay and were terminated in June, Wittels said. A third named plaintiff, also a Santa Cruz resident, still works for the company.

Valero spokesman Bill Day said in an email he could not comment about the lawsuit as the company had not been served with a copy. He said Valero "pays its employees appropriately and in accordance with state and federal laws." Valero is the largest independent petroleum refiner in North America and reported revenue of \$119 billion in 2008, up from \$95 billion a year earlier.

Valero stores operate 24 hours a day with just one on-site manager or assistant manager. When managers are not in the store, they are still responsible for everything that happens at the store and must be on call when other employees need them, according to the complaint. Although the company pays time-and-a-half wages for up to five hours of overtime, it does not pay additional overtime hours, and even deducts pay for excessive overtime, the complaint states. The complaint also says managers are not paid for meal or rest breaks that they are unable to take.

"What's unfair is that Valero is creating a business that's serving consumers virtually around the clock, but they're not fairly compensating their employees to be able to provide that service," said Ram.

Unlike some wage-and-hour lawsuits in which plaintiffs claim they are misclassified as salaried workers when they should be hourly workers receiving overtime pay, the Valero plaintiffs do not claim they are misclassified. The Valero managers and assistant managers are non-exempt workers who are paid some overtime.

"We don't think the company is going to contest overtime," Wittels said. "The question is how many extra hours do these people work."

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Heller Finance Tactics Scared Off Merger Mates

Continued from page 1

o pitch in an extra \$20 million to make up for the expected shortfall in 2008 partner profits.

Heller is also said to have been "underwater" on its lease obligations. Taken together, these facts

the U.S. Bankruptcy Court for the Northern District Friday that Heller appears to have distributed \$106 million to shareholders beginning in December 2007, when the firm was nearly insolvent. Under the state's fraudulent transfer laws, the

back to the bankrupt firm if that firm's partnership didn't make an agreement before it became insolvent that otherwise specifies where those proceeds should go.

The committee might also pursue claims against members of the