Extracted from *The Daily Journal*:

Top Labor & Employment Lawyer – James R. Evans Jr.

More than a decade ago, Evans drafted an arbitration clause and class action waiver for one of his clients, a publicly traded company with retail operations in all 50 states and Canada.

"I have successfully enforced that agreement on every occasion that it has been challenged," he said.

In 2013, four employment class actions that had been filed against the employer were coordinated by order of the California Judicial Counsel.

At issue were class claims alleging wage and hour violations, including off-the-clock work, missed meal and rest periods, as well as alleged claims for penalties under the Private Attorneys General Act.

The trial court dismissed all the claims in those four cases and ordered the individual claims to arbitration, and stayed the PAGA claims, pending the long-awaited *Iskanian* ruling by the state Supreme Court.

"One of the four original cases went to arbitration," Evans said. "After a two-week arbitration, the arbitrator awarded the plaintiff $4,700, a fraction of what was claimed at arbitration."

This year, after a two-week trial in Los Angeles, Evans obtained a defense judgment in favor of an employer who had been accused of wrongfully classifying employees as independent contractors.

Evans is convinced that employment arbitration agreements—including those with collective action waivers—can benefit both sides.

"Arbitration is a very effective means in assisting folks in resolving their disputes quickly and efficiently and fairly," he added.

California employers have been plagued by class actions, Evans said, many of which he said are "lawyer driven."

"Consumers rarely get very much out of it in a class action," Evans said, "and often they have more to gain in arbitration."

As for arbitration agreements going forward, Evans said, "There is no doubt in my mind that they are becoming more attractive than ever as federal case law continues to develop."

Although the *Iskanian* ruling handed down in June preserved the right of employees to bring a collective action under PAGA for penalties, he added, “I think, at some point, the U.S. Supreme Court may take a hard look at those cases, since I believe it is inconsistent with the Federal Arbitration Act.”