



BOHBOT & RILES, LLP

ATTORNEYS AT LAW

January 2013

Take Control of Your Destiny--Settle

We pride ourselves--and have built our reputation--on being fierce advocates for our clients and warrior-like trial attorneys.

At the same time, we recognize that in almost every case, the best outcome for our clients comes when they can resolve the matter without



trial.

Settlement is limited only by your imagination . When a settlement offer is reasonable,

Welcome to the first issue of our newsletter. We may have been a bit slow getting this started, but it's never too late to stay connected and current. We hope our newsletters will not only keep you updated on what is going on at Bohbot & Riles, but arm you with relevant and current information on issues important to you.

The current economy has not been kind to the workforce. If you've not been affected by a job loss yourself, you know someone who has. The repercussions are harsh and affect every member of the family. Our job is to help you navigate through those difficult times, determine whether you, a loved one, a colleague or a friend has been treated legally and champion your rights when you have not.



While most of our cases are employment-related, we are also mediators, represent individuals in personal injury and immigration matters, and assist small businesses with

settlement is usually the best option. Not only does it provide some certainty, resolving the claim through a settlement allows for more creativity in the resolution.

Things that can be negotiated in employment matters, for example, include letters of recommendation, new employment and early retirement, things which are unattainable through a trial.

A trial puts the decision in someone else's hands--and there are appeals.

Although we place great faith in our jury system, and are happy to say we have rarely been disappointed, once in trial the end result is no longer in your control. Trial takes the decision out of your hands and places it in the hands of a jury or judge. Settling permits you to remain in control of the outcome of your case.

A trial may result in a high verdict and award, but even when you have the satisfaction of a verdict in your favor, there is often no closure. Following a trial, there are almost always post-trial motions that can change the verdict. And, often the other side appeals, which continues the conflict, sometimes for years.

With settlement comes resolution--and closure .

When you are able to reach a settlement, the matter is truly resolved. It is over. In almost every settlement we have

formation, litigation and advice on personnel matters.

In fact, we are proud to announce that Bohbot & Riles **just received over \$444,000.00 in a verdict** from an Alameda County jury for soft-tissue injuries sustained by two individuals in a rear-end collision case

Regardless of practice area, one thing remains the same: we are tireless advocates for our clients. If you think you have a case, please [check us out online](#) and fill out the [submission form](#) on our website.

Our best,

Elizabeth and Karine

Three Strikes May NOT Mean You're Out

So many of us experience at least once in our lives a medical issue that impacts not only our personal life, but our work life. When those conditions occur, and we need an accommodation from our employer, we find ourselves at a loss over what our rights might be and, quite honestly, whether we want to "rock the boat" and ask for accommodations.



In fact, in these economic times, most of us are happy to have a job and do not want to risk anything.

Bohbot & Riles recently had a client whose employer had a policy that required that all employees have sufficient Paid Time Off (PTO) to cover *any absences*, regardless of the reason for the absence. Any absence without sufficient PTO time resulted in discipline, with the third absence resulting in termination. **Essentially, it was three strikes and you're out.**

Unfortunately for our client, she suffered from a life-threatening blood clot in her lung, a pulmonary embolism. While she felt very ill, she was afraid to miss work because of this policy, and as her condition worsened, she was hospitalized. When she informed her employer that she was in the hospital, she was told that she would be written up because she did not have sufficient PTO time.

Discipline for seeking accommodation for a disabling condition is against the law

The policy this employer had and their strict adherence to it can violate the law. Under the law, once an employer knows that you have a physical or mental condition that is affecting, or even *may* affect your ability to work, your employer is obligated to *at the very least* engage

reached, the parties have completed all aspects of the settlement terms and have been able to walk away cleanly.

In fact, more often than not, the clients are proud of the courage it took them to take a stand and make it clear to the defense that the treatment they were subjected to was unacceptable, yet are equally happy it is over.

We do not recommend settling a conflict at any cost. Of course we are not saying you should never go to trial. There are times when the principal needs to be heard publically or when the amount being offered to resolve a claim is just not sufficient to compensate for the harm caused. When those times occur, we are more than happy to fight till the end. We're trial lawyers! That's what we love to do!

The lesson here, however, is that being willing to resolve a matter is not a sign of weakness; rather, it is a sign of strength and intelligence.

So when you find yourself in litigation, always consider settlement as part of your litigation strategy.

10-Year Anniversary



in *some* dialogue with you about ways your condition could be accommodated so as to permit you to stay employed. **Disciplining you for asking for or needing an accommodation, such as leaving to recover from a disabling--or in this case, a life-threatening—condition, is simply not allowed under the law.**

What are reasonable accommodations an employer should consider?

The types of reasonable accommodations an employer must consider in their efforts to determine whether you can continue your employment include such things as:

- Restructuring the way they do business
- Providing finite or intermittent leave
- Adjusting policies
- Reassigning the employee to a vacant position
- Providing a part-time or modified work schedule
- Getting or modifying equipment or devices

In fact, if there is a reasonable accommodation that could plausibly allow an employee to work with disabling condition, an employer can be in trouble for not attempting it. In the end, an employer is required to discuss all possible reasonable accommodations out there that would permit you to keep working.

So if you have a condition that is making it difficult for you to do your job, let your supervisor or Human Resources representative know immediately. That should get a dialogue started and permit everyone to talk about what accommodations might be available for you.

Do not fear these kinds of policies!

If you think your employer may not be treating you fairly, call Bohbot & Riles. We would be happy to review your case and will let you know what your rights are.

About Bohbot & Riles

Bohbot & Riles is a women-owned law firm that prides itself on placing its clients' needs before its own goals.

Karine Bohbot and Elizabeth Riles are the seasoned partners of Bohbot & Riles. They have more than 30 years of collective experience and have successfully represented California employees who have been subjected to discrimination, sexual harassment, retaliation, employers' failure to provide reasonable accommodations, FMLA violations and other leave issues, wage-hour violations and disputes regarding severance pay. **"We are advocates, consistently looking out for the employee who has been treated unfairly."**

On January 19, we will be celebrating our ten-year anniversary. We still can't believe it!

It's been a challenge, and we continue to learn and evolve. Yet we wouldn't change it for the world. We've built many wonderful relationships along the way that have played an important role in our success, and for this, we are very grateful.

A special thank you to all of our colleagues, friends, family and clients who have supported us over the past decade. We look forward to our next anniversary.

If you think you have a case, [contact us by sending us a free case submission form.](#)

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In 2011, Karine and Elizabeth were honored by the City of Lancaster for their work in obtaining a significant verdict in a gender discrimination and hostile work environment case against a nationally known long-haul trucking company.

Karine and Elizabeth were also chosen as Finalists for the 2012 Street Fighter of the Year Award by the Consumer Attorneys of California, and have been named **Super Lawyers' Northern California Rising Stars every year since 2009.**

What makes Karine and Elizabeth effective employment issue advocates? Their passion, hard work ethic, their ability to understand and balance career and family and their compassionate championing of the rights of their clients.



Karine Bohbot

[Karine](#) received her J.D. from Hastings School of Law and has been practicing law for the last 15 years. Karine speaks fluent French.



Elizabeth Riles

[Elizabeth](#) is a graduate of Stanford University and UC Berkeley's Boalt Hall School of Law. She has been practicing law for the last 15 years.

“ The law must be stable, but it must not stand still. ”
--Roscoe Pound

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