

JAMES WALTER MICHALSKI

17011 Beach Boulevard, Suite 900; Huntington Beach, California 92647

(818) 489-5069 (Mobile); james@jamesmichalskilaw.com

SUMMARY OF PROFESSIONAL POSITIONS

MICHALSKI LAW OFFICES, P.C., Founder (Jan. 2020 – present; founded upon sale of RMG)

- Represent clients in wage and hour class action matters
- Represent clients in several employment litigation matters involving claims of discrimination, harassment, retaliation, wrongful termination in violation of public policy, defamation, breach of contract, fraud, negligent misrepresentation, interference with contract and prospective economic advantage, Unruh Act violations, and unfair competition (in state and federal court)
- Advise clients in National Labor Relations Act matters, including unfair labor practice matters, union collective bargaining agreement negotiations, union avoidance, and labor arbitrations
- Advise clients in daily labor relations and employment law matters and draft employment documents
- Advise clients in risk avoidance and compliance including securities and Sarbanes-Oxley matters
- Advise clients in healthcare, consumer privacy, and data privacy law and regulatory matters
- Serve as outside general counsel for several regional medical device distributors
- Serve as outside general counsel for several construction contractors
- Obtained judgment for large insurance agency in a multi-state employment, restrictive covenants, and trade secrets misappropriation dispute (high stakes “bet-the-company” case)

RELYONUS MEDICAL GROUP, EVP, Chief Legal and Compliance Officer (May 2016 – Dec. 2019)

- Served as Chief Legal and Compliance Officer for new a company - Relyonus Medical Group - which was a \$100 million per year multi-state distributor of medical devices (FDA Class III products)
- Negotiated purchase and sale of company in December 2019
- Drafted and implemented RMG’s Corporate Compliance Program, Code of Conduct, Standard Operating Procedures, Salespersons Compliance Manual, Employee Handbook, and Arbitration Agreement, Injury and Illness Prevention Program, and Employee Assistance Program
- Advised on state and federal legal and regulatory compliance and, when necessary, coordinated legal matters with Smith & Nephew (our main products manufacturer)
- Oversaw and handled all risk management and insurance matters
- Conducted corporate investigations on all matters
- Oversaw outside litigation concerning implants, surgeries, and employment matters
- Ensured vendors’ and employees’ compliance with applicable healthcare laws and regulations

HOLLAND & KNIGHT LLP, Labor / Litigation, Partner (2013–2016); Senior Counsel (2008–2013)

- Represented clients in numerous wage and hour class action and PAGA matters
- Represented clients in employment litigation matters involving claims of discrimination, harassment, retaliation, wrongful termination, defamation, breach of contract, fraud, negligent misrepresentation, interference with contract and prospective economic advantage, and unfair competition
- Regularly drafted and negotiated independent contractor agreements, employment agreements, supply contracts, vendor contracts, severance agreements, consultant agreements, and personnel policies
- Conducted corporate investigations of claims of harassment and discrimination, theft, fraud and abuse healthcare law violations, and safety violations
- Represented clients in numerous traditional labor matters including unfair labor practice matters, union collective bargaining agreement negotiations, union avoidance, and labor arbitrations
- Advised clients on project labor agreements negotiations and drafting

- Conducted training on healthcare corporate compliance, general corporate compliance, whistleblower retaliation prevention, protected health information (PHI) privacy and security, protected personal information privacy and security, harassment and discrimination, accommodating disabilities, wage and hour law compliance, performance evaluations and discipline, e-discovery, and diversity
- Designed and implemented corporate compliance programs compliant with U.S. Sentencing Guidelines requirements, standard operating procedures, and privacy and security protocols covering PHI of patients, investigation outlines and procedures, and employee disciplinary actions
- Obtained class decertification of a class of several thousand members on wage and hour matter, settled matter for \$24,00 for large manufacturer
- Obtained class decertification and then summary judgment of a class of several hundred members on wage and hour matter and PAGA matter
- Defeated class certification of a class of several hundred members on wage and hour matter, settled matter for \$37,000, for a regional retailer
- Obtained summary judgment on a class action time rounding case for a regional trade printer
- Obtained defense verdict in race and disability discrimination case for a regional healthcare system
- Obtained defense verdict in sexual harassment case for a regional healthcare system
- Obtained class decertification of a class of several thousand members on wage and hour matter, settled matter for \$7,500, for a statewide bank
- Obtained defense verdict in race and disability discrimination case for a large theme park
- Obtained defense verdict on \$12 million False Claims Act / whistleblower retaliation case for a regional healthcare system
- Obtained summary judgment on wage and hour class action case for a medical device distributor
- Obtained summary judgment on False Claims Act case for a state healthcare system
- Obtained summary judgment on two disability discrimination cases for a plumbing contractor
- Obtained summary judgment for world's second largest tobacco company on race and sex discrimination claims

EPSTEIN BECKER & GREEN, P.C., Labor / Litigation, Partner (2003 – 2008)

- Represented companies in state and federal courts in complex, class action, and single-plaintiff cases involving claims of wrongful termination, discrimination and harassment on the basis of sex, sexual orientation, race, national origin, and disability (including alleged failure to engage in an interactive process), retaliation, trade secrets misappropriation, and wage and hour law violations
- Represented management in traditional labor relations matters, including negotiation of collective bargaining agreements, labor arbitrations, union avoidance, and trial of unfair labor practice claims
- Represented companies in state and federal courts and administrative bodies (CMS, DOJ, FDA, and OIG of HHS) in cases involving the False Claims Act (both federal and state), the Anti-Kickback Statute, the Stark Law, HIPAA, responsible corporate officers, and corporate integrity agreements
- Obtained summary judgment on large wage and hour class action involving class of several hundred servers for regional restaurant involving unpaid rest and meal period claims
- Defeated class certification for a regional restaurant on numerous wage and hour claims, settled PAGA claim for \$30,000
- Obtained class decertification of a class of several hundred members on wage and hour matter, settled matter for confidential highly favorable amount for a regional retailer
- Obtained summary judgment on sex discrimination case for an advertising agency
- Prevailed in 38 of 41 unfair labor practice claims (terminations of strikers) for a lumber yard
- Obtained TRO and permanent injunctions in trade secrets case for a healthcare products distributor
- Successfully enforced in court actions arbitration agreements and class action waivers for numerous clients preventing large class action cases from being litigated as a class

RIORDAN & McKINZIE, P.C., Labor / Litigation – Partner (2002 – 2003); Associate (1996 – 2001)

- Obtained defense verdict in California False Claims Act case for an IT services contractor
- Obtained defense verdict in Unruh Act case for a statewide bank
- Obtained summary judgment on breach of contract, promissory estoppel case for a defense contractor
- Obtained summary judgment on False Claims Act alleged overbilling case for a large IT company

KINDEL & ANDERSON LLP, Labor / Litigation – Associate (1995 – 1996)

- Represented companies in state court claims of breach of contract, fraud, negligent misrepresentation, wrongful termination in violation of public policy, interference with contract and economic advantage, misappropriation of trade secret claims, Unruh Act violations, and unfair competition matters
- Represented management before state and federal administrative agencies including the EEOC, OSHA, U.S. Department of Labor, NLRB, OFCCP, and similar California administrative agencies

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA,
HONORABLE JOHN G. DAVIES**, Judicial Law Clerk (1994 – 1995 term)

- Wrote bench orders, analysis and recommendations for rulings on motions – law and motion including summary judgment motions and evidentiary objections, motions in limine, post-trial motions

RECENT PUBLICATIONS AND SPEECHES

- California State Bar Labor and Employment Section, *California Labor and Employment Law Review* (statewide law review published to all section members) Executive Editor, 2014 – 2018; Editorial Board, 2018 – present
- Holland & Knight, *Corporate Compliance Answer Book*, co-author, chapters on Affordable Care Act compliance and labor and employment law compliance, 2014, 2015, 2016
- Approximately 50 client briefings on general compliance issues, healthcare corporate compliance, employment law, and risk management, 2006 – 2020
- Approximately 25 legal conference presentations on employment law, wage and hour class actions, general compliance issues, healthcare corporate compliance, and fraud and abuse, 2009 -2020

RECENT AWARDS

- American Legal Institute, Attorney of the Year, Labor and Employment, 2021, 2022
- American Institute of Legal Advocates, Elite Advocate in Civil Litigation, 2019, 2020, 2021, 2022 (top 1%)
- Lawyers of Distinction, Healthcare Law and Civil Litigation (two categories), 2017, 2018, 2019, 2020, 2021
- American Legal Institute, Best of the Best (two categories), Labor and Employment, Healthcare, top .05% of lawyers nationally, 2021, 2022
- American Legal Institute, Top 10 Best Attorney Overall Ratings in Client Satisfaction Labor and Employment and Healthcare (two categories), 2016, 2017, 2018, 2019, 2020, 2021, 2022
- Corporate Livewire Global Awards, Healthcare, 2015
- American Academy of Attorneys Top 100 Civil Litigation, 2019, 2020, 2021, 2022
- Commendation from California Superior Court for Judge Pro-Tempore service, 2016, 2017, 2018, 2019, 2020
- ABA Veterans Project Outstanding Service Award, 2014
- Corporate Counsel / Super Lawyers magazine, named “Super Lawyer,” 2009, 2012 – 2016 and 2018-2021

REPRESENTATIVE BAR ASSOCIATION ACTIVITIES

- Judge Pro-Tempore, Orange County and Los Angeles County Superior Court, 2014 – present
- California Judicial Nominations Evaluation (JNE) Commission, 2018 – 2020
- California State Bar Labor and Employment Section Executive Committee, 2014 – 2018
- California Labor and Employment Section Law Review, Editor-in-Chief, 2014 – 2018
- California Labor and Employment Section Law Review, Editorial Board, 2019 – present
- City of Huntington Beach, Public Works Commission, Member and Chair, 2019 – 2021
- Orange County Bar Association Healthcare and Employment Law Sections, 2016 – present
- California Society of Healthcare Attorneys, 2006 – present
- Italian-American Lawyers Association, President, 2016; Treasurer, 2010 – 2015
- National Italian-American Bar Association, National Board of Directors, 2015 – present
- California State Bar Volunteers in Parole Mentors Program, State Board of Directors, 2004 – 2011
- Leadership Council on Legal Diversity (mentor of two African-American women), 2008 – 2016
- Holland & Knight Holocaust Remembrance Project, Executive Committee, 2010 – 2011

EDUCATION AND MAIN SCHOLASTIC ACTIVITIES

LOYOLA UNIVERSITY CHICAGO (4.0 GPA - #1 in class), Healthcare and Compliance LL.M.

- Expected in Fall 2022 – hybrid program (southern California with quarterly weekend visits)
- Corporate Compliance and Risk Management Certification program
- Highest course grade in seven courses including: Health Care Compliance, Advanced Health Care Compliance, Healthcare Litigation and ADR, Privacy, and Privacy Compliance Program Management

HARVARD LAW SCHOOL (3.7 GPA, top 20%), J.D., *cum laude*, 1994

- Executive Editor – Articles, *Harvard Journal of Law & Public Policy* (two years)
- Certified Student Advocate, Hale & Dorr Legal Services Center (represented clients in federal court)
- Certified Student Advocate, Battered Women’s Advocacy Project (represented clients in state court)

UNIVERSITY OF CALIFORNIA, LOS ANGELES (3.8 GPA, top 12%), B.A., *cum laude*, 1990

- Guy Thompson Ellis Scholarship (full academic and boarding scholarship - all years of college)
- Department Honors, History
- Golden Key National Honor Society (top 10% of class)
- Chair, UCLA Student Fee Committee (administration, faculty, student committee that allocated fees)
- Special Interest Group USAC Coordinator (Coordinator of 14 special interest and affinity groups)