



BSM

BOIS & MACDONALD

In 2001, Tom Bois & Jim Macdonald left a large international law firm to start a boutique law practice committed to taking a practical, businesslike approach to solving businesses' problems. Bois & Macdonald's core competencies are:

- Business law
- Construction
- Employment
- Environmental law, and
- Real estate law.

We provide practical business solutions to our clients' legal problems. Our attorneys are skilled and tenacious advocates, but we recognize that the most aggressive (and expensive) approach may not be the best solution to a client's problem. In every matter we handle we identify the client's primary business objective and then find and implement a solution to meet that objective. We learn our clients' business and industry. As a result:

- We are responsive.
- We respect our clients' time and communicate with clients efficiently in plain English.
- We help our clients avoid legal problems and prevent claims and lawsuits, government investigations, and support business risk management. When necessary we try clients' disputes to judges, juries and arbitrators.

Because of our deep knowledge and experience, we are economical. Instead of trying to be all things to a client, we offer deep and broad knowledge and experience in the areas of the law we know best.

We represent a wide range of businesses ranging from small family partnerships, trusts, regional businesses and multi-national corporations. Our clients include businesses in the automotive, banking, construction, electronics, health care, hospitality, insurance, legal and professional services, manufacturing, mining, oil & gas, real estate, retail, technology, transportation, and wholesale and distribution industries, as well as non-profit organizations.



Employment - Transactions, Compliance & Litigation

Employment Practices Counseling

We recognize usually the best legal strategy is preventing employment litigation. We counsel businesses about: personnel decisions, the latest court cases, statutory and regulatory requirements and legal trends. We help businesses comply with state and federal laws and avoid unnecessary litigation.

We also develop management training programs and employee education programs, create effective employee manuals, and implement union avoidance strategies.

We have significant experience providing legal counseling on important personnel issues:

- Drafting employee handbooks, personnel policies, manuals and employment contracts
- Effective and lawful hiring processes, including interviews and background checks
- Overtime classification, wage payment practices and compliance with California and federal wage and hour laws
- Investigation and remedy of illegal harassment allegations
- Proper selection and processing of workforce reductions
- Structuring and implementing voluntary early retirement and downsizing programs
- Discipline, discharge and severance
- Protection of trade secrets as employees depart, and avoidance of litigation when hiring employees from competitors
- Legal obligations in granting leaves of absence and accommodating disabilities, balanced against the employer's ability to regulate attendance and performance

- Investigations of workplace violence and establishment of appropriate protective measures
- Employee privacy protections

Training and Education Programs

We provide training and educational programs for senior management, human resources professionals, in-house lawyers and other members of management and supervision. These training topics include: avoidance of litigation from wrongful termination, sexual harassment, and employment discrimination; equal employment opportunity; union avoidance; and, discharge/discipline.

We represent local, regional and national employers in all aspects of labor and employment law and related civil litigation. Our major areas of expertise include:

- employment discrimination and wrongful termination litigation
- wage and hour claims defense
- union prevention
- labor-management relations, and
- unfair competition litigation.

We also consult and advise on a broad range of personnel matters.

Employment Discrimination

We have extensive experience defending employment discrimination claims based on:

- age
- sex
- race
- color
- religion
- national origin/ancestry
- medical status
- disability, and
- pregnancy status.

We have defended these claims in both the California Superior Courts and federal trial courts and the Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing. We represent employers in response to charges, investigations and litigation involving discrimination and harassment claims.

Wrongful Discharge Litigation

Each day California businesses face wrongful termination claims based on: age, sex, age, sex, race, color, religion, national origin/ancestry, medical status, disability and pregnancy status. Our experience includes defending employee claims asserting:

- Title VII
- wrongful termination
- negligence
- intentional infliction of emotional distress
- breach of contract, and
- harassment.

We have significant experience defending civil rights wrongful discharge claims.

Labor-Management Relations

We advise, guide and represent businesses in dealing with National Labor Relations Act issues including:

- union organizing campaigns and unfair labor practice proceedings before the National Labor Relations Board and in the courts
- collective bargaining negotiations and arbitrations of grievances under collective bargaining agreements
- contract actions
- duty of fair representation, and
- litigation arising from picketing and strikes.

We also provide union avoidance labor relations counseling programs to our clients.

We advise, guide and defend businesses about issues involving: wage and hour violation; meal and rest breaks; independent contractor status; entitlement to overtime pay; calculation of overtime pay; payment of vacation, personal and sick pay; and, recordkeeping obligations. We have expertise with the California Labor Code and Wage Orders, Fair Labor Standards Act, the Davis-Bacon Act, and the Service Contract Act. We stay current on court decisions, new laws and the complex regulations setting wage and hour requirements.

Occupational Safety and Health

We frequently counsel and represent businesses with occupational safety and health proceedings.