



James H. Berry Jr.

Partner Employment and Labor

Los Angeles

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At a Glance

Leader in Employment Law

James has defended and successfully resolved multiple claims of employment discrimination and wage claims made to state and federal enforcement agencies.

Seven-Figure Awards to Clients in Business Litigation

Jim has tried/arbitrated various breach of contract/commercial claims producing six and seven figure awards to clients, including appellate affirmances.

Business Problem Pro

Jim approaches every case as a business problem to be solved in the way most advantageous for the client.

James (Jim) H. Berry is a partner in MWM's Los Angeles office and a prominent member of the employment & labor and litigation practices. He brings several decades of experience in employment law and guides employers through litigation and counseling related to California and federal law. He advises clients on discrimination, harassment, wrongful termination, disability compliance, whistle-blower claims, and wage-and-hour issues.

Jim practices before all California federal and state courts and is admitted to the Ninth Circuit. Among the multiple matters he has handled are claims based on common-law tortious-discharge theories; breach of express and implied contract; discrimination and harassment; wage-and-hour violations including overtime, penalty pay and Private Attorneys General Act (PAGA) claims, class and representative actions, and matters before the NLRB involving non-union employers. In commercial litigation, Jim represents clients in matters related to breach of contract, unfair competition, and a variety of IP-infringement disputes. He also represents advertisers in negotiating and documenting high-value celebrity endorsement contracts.

Since starting his career at Jones Day, Jim has represented a wide variety of clients, ranging from Fortune 100 companies to mid-sized businesses. Before joining MWM, Jim established his own boutique litigation and employment

practice, where he continued to develop his commercial-litigation and employment work, and later practiced at Landau Law LLP.

Experience

Representative Employment/Labor Experience:

- Defended and successfully resolved multiple employment disputes on behalf of large, medium, and smaller employers, including claims alleging harassment, discrimination/retaliation, wrongful termination, disability compliance (leaves of absence, reasonable accommodations, and the interactive process), and whistleblower claims, through defense summary judgments, mediation/settlement, and other ADR processes
- Defended and successfully resolved multiple claims of employment discrimination and wage claims made to state and federal enforcement agencies, including the Department of Fair Employment & Housing, the EEOC, and the California Labor Commissioner, through agency-initiated investigations, conciliation, and hearing processes
- Defended and successfully resolved single-plaintiff, multiple-plaintiff, and class/representative/collective wage and hour actions, and penalty claims (e.g., claims re: overtime, meal/rest breaks, off-the-clock work, expense reimbursement, pay statement violations, waiting time pay, classification of employees as exempt/non-exempt), including through court-approved settlements of class, Fair Labor Standards Act, and Private Attorneys General Act (PAGA) claims
- Developed and assisted employers in implementing and administering ADR/mandatory mediation and arbitration programs

Representative Commercial Litigation Experience:

- Tried/arbitrated various breach of contract/commercial claims producing 6-and7-figure awards to clients, including appellate affirmances
- Lead counsel in trial of breach of \$25 million contract for sale of oil properties, obtaining \$9 million award
- Lead counsel in key franchise cases obtaining substantial awards against breakaway franchisees represented by prominent Los Angeles counsel
- Lead counsel in obtaining for trustee \$1 million trial award for breach of fiduciary duty against management of securities firm
- Lead counsel in arbitration resulting in \$900,000 award against medical practice successors for breach of contract
- Lead counsel in action concerning dissipation of assets of elderly businessman, resulting in recovery of \$3 million+ property
- Successful defense of claim for up to a 50% interest in a 40-store retail chain, resulting in a nominal settlement
- Successful resolution of multiple actions by terminated beverage distributors
- Counseling and litigation of "right of publicity" cases for consumer goods sellers
- Led offensive discovery team in tender offer litigation
- Experience in defense of trademark infringement cases, antitrust/unfair competition claims, and false advertising/deception claims
- Successful resolution of putative class action under Telephone Consumer Protection Act (TCPA)
- Experience in litigation/resolution of various inter-shareholder disputes in closely held corporations

Representative Entertainment Experience:

- Negotiation and documenting high-value celebrity endorsement contracts for major advertisers
- Counseling advertisers on endorsement usage rights and issues regarding rights of publicity
- Successful resolution of disputes between advertisers and Screen Actors Guild re: pension contributions and other sums allegedly due under SAG agreements

Focus Areas

Arbitration

Employment Counseling & Preventive Services

Employment Litigation

Employment Policies & Handbooks

Entertainment & Digital Media

Internal Investigations

Education

Yale Law School, JD

Vanderbilt University, BA, 1974
Slavic Studies

Associations & Memberships

California Bar Association

California Lawyers Association

Los Angeles County Bar Association

Honors & Awards

Leaders of Influence: Labor & Employment Attorneys
Los Angeles Business Journal, 2022-2024

Bar Admissions

California, 1977

U.S. District Court for the Northern District of California

U.S. District Court for the Central District of California

U.S. District Court for the Southern District of California

U.S. District Court for the Eastern District of California

U.S. Court of Appeals for the Ninth Circuit