

## **PROFESSIONAL PROFILE**

**David P. Warren, Esq.**, is an experienced trial attorney, advocate and negotiator, bringing thirty-seven years of experience and dedication to his Arbitration, Mediation, Investigation and Training ADR practice.

### **Background--Counseling and Litigation Experience**

During his career, Mr. Warren has served as in-house counsel for Sears, Roebuck and Co., litigating a variety of matters throughout California and overseeing litigation in nine states. Thereafter, he formed a partnership in the Pasadena law firm Smith and Warren for fifteen years, where he litigated and counseled concerning a variety of employment matters, business issues and real estate issues. Thereafter he has provided counseling and advocacy in litigation as the Law Office of David P. Warren (with offices in San Luis Obispo County but actions in many counties).

Mr. Warren has extensive experience in employment matters and has represented employees and employers in connection with private industry and public employment matters including discrimination, retaliation, whistleblowing and public policy claims and wage and hour matters. He has represented clients in a variety of business disputes/litigation, as well as commercial leasing and real estate matters. Additionally, he has handled real estate agency and brokerage disputes. He has handled matters through jury and judge trials, arbitrations and appeals.

### **ADR PRACTICE**

In early 2016, Mr. Warren started his fulltime ADR practice.

#### **Arbitration**

We provide an even playing field for all disputes. We balance the need for reasonable discovery and preparation with the underlying purpose of prompt resolution. Discovery disputes are handled expeditiously by letter statement of position and prompt telephonic hearing. Arbitrations are held where the parties and witnesses are located throughout the State.

#### **Mediation**

We believe in working to achieve case resolution before trial, while the parties still control the outcome and before they have expended tremendous resources, both financial and emotional. Mr. Warren has litigated hundreds of cases and put that experience to work to achieve a fair resolution of your matter. Mr. Warren has also had advanced mediation training through Pepperdine University.

#### **Investigations**

Mr. Warren has worked on and analyzed investigations for many years. He has long provided counseling on investigations to employers, managers and employees. He has attacked deficient investigations successfully in many cases over the years and is well versed in what does and does not constitute a legally adequate investigation in California. He can help you assure that yours is done right, whether it is based on sexual harassment, discrimination, retaliation, policy violation or other workplace issue.

#### **Training**

We provide statutorily required training to employees on sexual harassment and bullying issues. We also provide training to managers, supervisors and human resource executives and managers on a variety of workplace topics, including conducting a legally adequate investigation, sexual harassment claims and investigations, discrimination (including that based upon age race, gender and sexual preference), CFRA and other leave rights, disability discrimination, reasonable accommodation and the interactive process, and retaliation issues. We keep the training interesting and interactive.

#### **Expert Witness Testimony**

When we undertake an investigation, we can provide testimony concerning the manner in which it was performed, the scope of the investigation, credibility assessments and conclusions. We can also provide analysis concerning whether investigations we did not perform were consistent with requirements therefor and whether they were "legally adequate." If we conclude that the investigation was deficient, we can provide a report setting forth the specifics and support that opinion with expert testimony.

### **Hearing Officer Service**

Public Employees who have been terminated or disciplined are often entitled to a post termination or post discipline evidentiary hearing. In many instances the parties can agree upon the hearing officer who will hear witness testimony and consider submitted documentary evidence and provide a written opinion affirming, reversing or altering the discipline issued by the entity. Mr. Warren can provide such hearing officer service upon selection by the parties or their counsel.

Mr. Warren has served as Pro-Tem Judge on multiple occasions in Los Angeles County, has conducted court appointed settlement conferences and mediations in Los Angeles County, Orange County and San Luis Obispo County. He has handled arbitrations cases as a fee dispute arbitrator for both the County of San Luis Obispo and for the California State fee dispute program.

Mr. Warren has represented many employees in hearings inclusive of arbitrations, public employees before civil service commissions, State Personnel Board proceedings and hearing officer appeals.

### **EMPLOYMENT MATTERS**

Mr. Warren's emphasis of practice has been all aspects of employment counseling and employment litigation for over thirty years.

- Extensive experience in wrongful termination of employment, age, race, gender and sexual orientation discrimination; sexual harassment, termination in violation of public policy/whistleblower claims, disability discrimination actions.
- Preparation, review and analysis of employment investigations prior to or in the context of litigation.
- Wage and hour claims.
- Trial, arbitration and mediation of many employment related actions.
- Negotiation of settlement agreements, severance agreements and employment agreements.
- Representation of parties to disputes in private industry and public employees before administrative tribunals and in court.
- Handling matters on appeal.
- Presentations concerning employment issues to schools, human resource organizations and employers, reviewing and advising on employment policies.

### **BUSINESS AND COMMERCIAL MATTERS**

- Negotiation of partnership agreements and resolution of partnership and commercial disputes, negotiation of employment contracts.
- Negotiation of commercial leases and agreements.
- Litigation of business disputes.
- Litigation of real estate and commercial lease disputes
- Interpretation of agreements and counseling re: disputes.

### **EDUCATION**

- Undergraduate School: California State University; CA (Dean's List)
- Law School: Western State University; CA (Graduated in the top 2 percent)
  - Member of Law Review
  - American Jurisprudence Awards in Torts, Contracts, and Corporations.

### **MEMBERSHIPS AND AFFILIATIONS**

- California Bar Association/Federal Court, Central, Northern and Eastern Districts
- Association of Workplace Investigators
- Society for Human Resources Management
- San Luis Obispo County Bar Association
- Santa Barbara County Bar Association—ADR Section
- Los Angeles County Bar Association—ADR Section
- San Francisco Bar Association—ADR Section
- Fee Arbitrator State of California
- Fee Arbitrator County of San Luis Obispo
- California Real Estate Broker's License