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Meet Nancy Gray



In a diverse legal career that has spanned over three decades, attorney Nancy Gray has represented hundreds of clients in a variety of civil matters, including labor and employment (management/employee); sexual harassment, discrimination, wrongful termination; commercial, contract and business issues.

Enforceable Arbitration Provisions Survive In Employment & Consumer Contracts

Over the past few years, the California legislature has passed a number of bills affecting the California workforce. From minimum wage hikes, to increased benefits for pregnant and sick employees, and those who are the victims of crime, to heightened posting/pay stub standards for employers to follow in the workplace, to redefining what constitutes an independent contractor - the majority of this legislation has favored employees.

In response to the rise of these laws, the California Chambers of Commerce banded together to combat what they call "job killer" bills. Recently, the Chambers' efforts paid off when they successfully shut down two proposed bills that would have severely limited, if not completely eviscerated, the right of business owners and employers from enforcing binding arbitration provisions in employment and consumer contracts for alleged discrimination claims.

WHY NOT LITIGATE?

The primary argument advanced by the Chambers of Commerce against these

Among other highlights, Ms. Gray served as Assistant District Attorney in New York, spent seven years with a national law firm working on complex pharmaceutical and medical device cases, and successfully litigated and coordinated cases around the country. She has a unique expertise in matters pertaining to the adulteration of extra virgin olive oil.

Ms. Gray has also lectured and written on a variety of topics, including expert testimony, drug and medical device regulation, sexual harassment, employment practices and child performer issues.

In 1997, she started her own firm, based in Los Angeles.

Having been raised in New York City, Nancy enjoys dramatic, musical and comedy theater as well as pro sports. She is a PADI-certified scuba diver. Among her favorite reading material is Bon Appetit and anything pertaining to criminal behavior and behavioral profiling.

About Gray & Associates P.C.



bills is that they are bad for the California economy. No one disputes that the time and cost to litigate and defend against claims is very high. This is particularly true given the trend in California against awarding business owners and employers their costs and attorneys' fees spent to defend against discrimination lawsuits - even when the employer is successful. The Chambers maintain the fear of litigation expenses will likely deter the creation of new employment opportunities and the hiring of more employees who must be paid at least the increased minimum wage.

THE PROPOSED LEGISLATION

The first piece of legislation, Assembly Bill 2667 (AB 2667), was aimed at preventing the enforcement of binding arbitration clauses in contracts for consumer goods and services for claims arising under the Unruh Civil Rights Act (which prohibits unlawful discrimination), unless the individuals waived their right to litigation knowingly and voluntarily, in writing, and not as a condition of receipt of goods or performance of services. In essence, AB 2667 would have given California consumers and employees claiming to be victims of discrimination the right to file a lawsuit and pursue their claims in court, despite the fact that they agreed to arbitrate these claims.

AB 2667 was defeated in the General Assembly by two votes, 36 - 38.

The second proposed law, Assembly Bill 2879 (AB 2879), sought to prevent the enforcement of binding arbitration clauses contained in employment contracts of military service members for claims arising under Section 394 of the California Military and Veterans Code.

Due in large part to the defeat of AB 2667, AB 2879 was never brought up for a vote in the Assembly, as proponents feared the law would be unsuccessful.

THE SUPREME COURT UPHOLDS AN

Attorney Nancy Gray of Gray & Associates, P.C. has more than 30 years of experience providing personalized attention and creative solutions to her clients' legal issues.

Whether you need a strong litigator, a labor and employment advocate, or a savvy business law attorney, you can rely on Gray & Associates to provide you with excellent legal representation. Click [here](#) to read more.

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ARBITRATION AGREEMENT

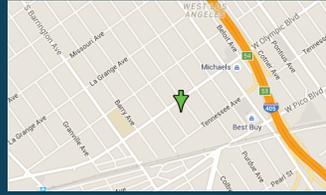
In addition to the defeat of this proposed legislation, employers scored a big victory in the California Supreme Court where a binding arbitration provision in an employment application was upheld. In the recent case of [Baltazar v. Forever 21](#), California's highest court rejected a number of the employee's challenges to an arbitration provision, which was a condition of employment, finding the language of the arbitration clause fair and fully enforceable. Despite requiring employees to arbitrate their employment-related claims, the employer retained its right to seek injunctive relief in court over trade secret issues. The fact that the employee, in a weaker bargaining position, was left with a take-it or leave-it choice at the outset did not itself render the provision unconscionable.

The defeat of the proposed legislation, coupled with the Supreme Court's ruling in *Baltazar*, mean employers and business owners can breathe a sigh of relief knowing that, for the time being, a well drafted arbitration provision is still enforceable in California.

Employers still must grapple with the decision of whether to litigate or arbitrate in the first instance, and that decision is not necessarily an easy one. Nancy Gray can help guide you through that process. Given the high costs associated with defending, arbitrating and litigating employment discrimination claims, California employers should contact a knowledgeable employment law attorney-like [Nancy Gray](#) immediately if they have been sued or fear they may be. Nancy Gray has decades of experience representing employers in discrimination defense lawsuits, arbitrations and all other employment law matters, and she is here to help you!

Call Nancy Gray today for a free consultation at (310) 452-1211 or visit [her online](#).

Directions



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