

JAMES V. FITZGERALD, III
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POSITION: Partner

PRACTICE AREAS: Police Liability Litigation, including Federal Civil Rights Litigation; Public Entity Advice and Litigation; Employment Discrimination Claims and Litigation; Sexual Harassment and Employment Discrimination Investigation; and Complex Trial Practice.

ADMITTED: 1973, California

LAW SCHOOL: University of California, Hastings College of Law (J.D.) 1972

COLLEGE: University of California at Santa Barbara (A.B.) 1969

MEMBERSHIPS: Contra Costa County Bar Association, State Bar of California, American Board of Trial Advocates (ABOTA), Defense Research Institute (DRI), Governmental Liability Committee of the Defense Research Institute, and Association of Defense Counsel, Northern California (ADC).

TEACHING: Contra Costa County Office of the Sheriff Law Enforcement Training Center Lecturer - Liability Issues for Supervisors (current)

Bi-annual lecturer for the Contra Costa County Police Chiefs Association regarding police liability issues (current);

Lecturer, Trial Advocacy, John F. Kennedy University Law School (1978-1981);

PROFESSIONAL

PRESENTATIONS: Civil Liability and Current Trends for Police Managers, Contra Costa County Chiefs of Police Conference, November 2007;

Attorneys Fee's Issues in Civil Rights Cases (2006);

Public Agency Risk Managers Association (PARMA), - Recent Trends in Police Shooting Cases (2000);

Public Risk Managers Association (PRIMA), Conference for Public Agencies - "Defending Prosecution of Public Sexual Exhibition/Solicitation Claims" (1999);

California Association of Hostage Negotiators (CAHN), Conference - "Legal and Operational issues in Hostage Incidents" (1999);

Defense Research Institute (DRI), Civil Rights and Governmental Tort Liability Section, "Dealing With and Managing Critical Incidents" (1998);

Association of Defense Counsel, Northern California (ADC), - "Handling A Police Liability Case" (1997);

A former Deputy District Attorney, Mr. Fitzgerald has handled a substantial number of police liability, public entity litigation, and employment discrimination claims for most of the cities in Contra Costa County, the cities of Hayward, Alameda, Albany and Livermore, and the County of Contra Costa. He has also provided services to corporations, including Chevron Chemical, Chevron Real Estate, Chevron Corporation, the Chevron Corporate Law Department, and the Mechanics Bank of Richmond regarding employment discrimination and sexual harassment litigation. He has conducted sexual harassment and other employment related investigations for public entities, corporations and the California Assembly Rules Committee.

Mr. Fitzgerald has also served as special advisor to the Contra Costa County Police Chiefs Association and the California Sheriffs Association, providing them advice on a variety of matters including civil rights litigation and employment discrimination issues.

Mr. Fitzgerald has successfully concluded these types of cases through a variety of means including trial and alternative dispute resolution methods, including mediation, arbitration, and negotiated settlement. Additionally, Mr. Fitzgerald has regularly successfully defended these claims by prevailing on summary judgment motions.

Mr. Fitzgerald has given seminar presentations to the Defense Research Institute Civil Rights and Governmental Tort Liability Section on dealing with and managing critical incidents, the Association of Defense Counsel, Northern California, regarding police liability issues, and the Contra Costa County Police Chiefs Association regarding police liability issues. Mr. Fitzgerald has made additional presentations to the Los Medanos Police Academy regarding civil liability and to the Contra Costa County City Attorney Association regarding dealing with the media in high profile cases.

In his more than 28 years as a litigator, Mr. Fitzgerald has tried well over 50 cases to judgment in both state and federal courts, including several highly publicized, high profile cases. Mr. Fitzgerald defended the City of Antioch in the case of Souza v. City of Antioch, which dealt with the issues presented when the police were called upon to resolve a dangerous hostage situation. Mr. Fitzgerald also represented Contra Costa County in a series of lawsuits arising out of Brian Wilson's being run over by a munitions train at the Concord Naval Weapons Station.

Mr. Fitzgerald has appeared in all the Superior Courts in the Bay Area, the California Courts of Appeal, the United States District Court, the United States Court of Appeal for the Ninth Circuit, and the United States Supreme Court.

Mr. Fitzgerald is a panel member of the ADR (Alternative Dispute Resolution) Program of the U.S. District Court for the Northern District of California, serving both as a mediator and an Early Neutral Evaluation evaluator.

Mr. Fitzgerald also serves as a member of the Contra Costa SMART Program (Special Mediators Actively Resolving Trials), the Contra Costa County Arbitration Panel, is an EASE Program Mediator, and is on the panel of *pro tem* judges authorized to hear Superior Court jury matters in Contra Costa County.

Mr. Fitzgerald was recognized in 2005 by The Recorder legal newspaper as one of a few elite attorneys in the San Francisco Bay Area defending police misconduct cases.