

# VERDICTS & SETTLEMENTS

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## Law Firm Must Pay \$1.1 Million for Firing Ill 12-Year Associate

By Rebecca Beyer  
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**L**OS ANGELES — A law firm specializing in employment law was hit with \$1.1 million in monetary damages after firing a longtime associate with hepatitis C, a chronic liver disease that is defined by law as a disability.

The case, which began in February of 2005, ended with a verdict in favor of the plaintiff Aug. 1 in Los Angeles Superior Court Judge Robert Hess' courtroom. *Snider v. Laquer Urban Clifford & Hodge*, BC329157 (L.A. Super. Ct., filed Feb. 22, 2005).

In 2003, after Warren Snider had been an associate at Laquer, Urban, Clifford & Hodge in Pasadena for 12 years, he notified his superiors that he had hepatitis C and needed to complete a 48-week treatment program. Four months later, he was fired after taking four days off to attend his father-in-law's memorial service. Snider claimed he was discriminated against for having hepatitis C, defined as a disability under the Fair Employment and Housing Act.

"I'd say that this case was primarily about a law firm thinking it could get away without following clearly established law in terms of how it has to accommodate disabled employees," said Wilmer Harris, Snider's lead counsel, from Schonbrun

DeSimone Seplow Harris & Hoffman in Pasadena.

Peggy Roman-Jacobson was co-counsel with Harris. She said none of the partners at Laquer Urban admitted to knowing what hepatitis C was.

"It's a pretty simple story," Roman-Jacobson said. "This man was fired because he had hepatitis C though they claimed he violated a vacation policy."

Martin Deniston, who represented Laquer Urban, disagreed.

"He was terminated for the violation of the written vacation policy and his insubordination," said Deniston, an attorney from Los Angeles' Wilson Elser Moskowitz Edelman & Dicker. "Second, we presented evidence and argued that his treatment for hepatitis C was not disabling for him."

Roman-Jacobson said Snider had put the memorial service on his calendar and informed his secretary, who said she had passed the information along. Roman-Jacobson said the company, which recently had switched to a billable-hours model, had been "harassing" Snider about not meeting his required hours in the months after he informed managing partners about his disease. Snider told them he was suffering from fatigue as a result of his treatment.

According to Harris, in the three years after the policy was instated, none of

the firm's other associates had met the 1,800-hour-a-year requirement. Snider met it once, in 2000.

Snider made four claims against his former employer: wrongful termination and violation of the Fair Employment and Housing Act, failure to accommodate a known physical disability, failure to enter into a good-faith process to determine reasonable accommodations, and a retaliation claim.

He prevailed on only the first two. The jury awarded him \$1.1 million in monetary damages. Laquer Urban had no discrimination policy in place, Harris said. He said Brian Hodge, a labor employment attorney, testified that his firm didn't adopt such a policy because it was bad for employers.

Deniston said his clients had posted all the discrimination posters required under the Fair Employment and Housing Act although the firm had no written policy.

"The word my client used was vindicated," Harris said. "It's been a tough three years. He hasn't been able to find a steady job. He said it was nice to have a public vindication from a jury of his peers that he didn't bring this upon himself."

Roman-Jacobson said she and Harris would make a motion for attorney fees.

Deniston said he and co-counsel Patricia Golson would file a motion notwithstanding the verdict and a motion for a new trial.