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A primer on screening and handling sexual-harassment and assault cases

UNDERSTAND YOUR CLIENTS TO MAKE THE BEST STRATEGY DECISIONS TO HELP THEM

This article looks at recent legislation that impacts sexual-harassment cases. It will also discuss the importance of understanding a client's history, circumstances, and emotional well-being in order to make essential strategy decisions at different stages of a sexual-harassment/assault case.

Recently enacted legislation impacting sexual-harassment cases

The #MeToo movement has inspired stronger protections for California workers, particularly laws involving sexual harassment. 2018 and 2019 were blockbuster years for the expansion of protections for California workers. Five specific laws for discussion are Assembly Bill 9, Senate Bill 820, Senate Bill 1300, Assembly Bill 749, and SB 707, which were signed into law by Governor Gavin Newsom and former Governor Jerry Brown.

AB 9: Three-year statute of limitation for sexual harassment and other FEHA claims

Targets of sexual harassment now have three years instead of one year in which to file a complaint with the Department of Fair Employment and Housing ("DFEH") for sexual harassment or any other claim under the Fair Employment and Housing Act ("FEHA"). Once the DFEH issues a "right to sue" letter, a civil lawsuit can be filed within one year of the date on the RTS letter. (Govt. Code, § 12965, subd. (b).) AB 9 amends Government Code sections 12960 and 12965. It also clarifies that "filing complaint" means "verified complaint" and relates back to the date the DFEH intake form was filed.

Governor Newsom signed AB 9 into law, effective January 1, 2020. The law does not apply retroactively, so any harassment that took place in 2018 is not revived under the new law. Any FEHA complaint arising from 2018 conduct must have been filed with the DFEH within one year. However, if a series of harassing incidents took place on a continuing basis in 2018 (or earlier) and into 2019, one could argue that the continuing violation doctrine "captures" these earlier incidents, so long as it continued into 2019 under the new three-year statute of limitations. The "continuing violation doctrine" allows liability for unlawful conduct occurring outside the statute of limitations period if it is sufficiently connected to unlawful conduct within the limitations period. (*Richards v. CH2M Hill, Inc.* (2001) 26 Cal.4th 798, 812.)

Extending the time within which a claimant can file a sexual-harassment claim (or any FEHA claim) makes sense. Targets of sexual harassment and assault often need more time to seek help or understand their rights. There are numerous reasons why. Common reactions are embarrassment, shock, fear of retribution and losing their job, or fear of not being believed and difficulty finding legal representation.

SB 820: Ban on secret settlements

A year prior to the enactment of AB 9, which extends the statute of limitations of filing FEHA complaints, Governor Brown signed SB 820 into law, which bans Non-Disclosure Agreements ("NDA") in settlements of sexual harassment, gender discrimination, and retaliation for complaining of sexual harassment, or gender discrimination claims. SB 820 adds section 1001 to the Code of Civil Procedure. Under SB 820, the amount paid in a settlement can always remain confidential, regardless of whether an administrative complaint or lawsuit is filed.

With a longer statute of limitation in which to file a sexual harassment complaint (or any FEHA claim) with the DFEH, the client and her counsel gain more time in which to negotiate a settlement *with* a confidentiality provision, if that is the client's preference. If at any time, the client does not want to be silenced in exchange for a settlement, she can simply file a DFEH or EEOC complaint, and the defendant will no longer have the power to demand confidentiality, based on Code of Civil Procedure section 1001. (Men are also victims of sexual harassment and/or assault and are protected by law. "She" or "her" is used in this article for simplicity and ease.) This leverages control in favor of the claimant/plaintiff, for purposes of maintaining confidentiality.

SB 1300: Omnibus bill; guidance on MSJ's in harassment claims

Governor Brown signed SB 1300 into law, effective 2019, amending Government Code section 12923. This omnibus bill has nuggets of gold that help sexual- harassment survivors. Anti-harassment training is now required for smaller employers and all employees, and waivers of FEHA claims are void if made as a condition of employment, or in exchange for a bonus or pay raise.

Also, Government Code section 12923 severely limits a judge's ability to grant a summary-judgment motion in harassment cases filed under FEHA. The Legislature expressly rejected *Brooks v. City of San Mateo* (9th Circ. 2000) 229 F.3d 917, and a defendant's ability to escape liability for "one free grab." *Brooks* cannot be relied on in determining the "severe or pervasive" standard in California for harassment claims, and not just sexual harassment. The Legislature also affirmed *Reid v. Google, Inc.* (2010) 50 Cal.4th 512, in rejecting the "stray remarks" doctrine. The existence of a hostile work environment depends on the totality of circumstances, and a discriminatory remark, even if not made in the context

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of an employment decision or uttered by a non-decisionmaker, may nevertheless be relevant, circumstantial evidence of discrimination. As a result, summary-judgments are likely to be a waste of time for defendants to file and will hopefully be filed less frequently. Use this change in the FEHA in all your mediation briefs, negotiations, and oppositions to MSJs.

AB 749: Ban on "no rehire" provisions in settlements of FEHA and Labor Code claims

Before 2020, settlement agreements for sexual-harassment claims would routinely include a "no rehire" provision that required the plaintiff to agree never to work for the employer again as a condition of settlement. In essence, this was tantamount to a plaintiff contractually agreeing to be subjected to future retaliation. AB 749 added section 1002.5 to the Code of Civil Procedure. For settlement agreements signed after January 1, 2020, in employment cases (FEHA and Labor Code claims), "no-rehire" provisions are void. Like the ban on secret settlements, the no-rehire ban applies to claims filed in court, arbitration, with the DFEH or EEOC, or with the employer's internal-complaint process. If a client wants to negotiate a no-rehire provision in a settlement agreement, she may do so before filing a charge or claim. Remember to negotiate for a higher settlement amount to include this term.

Since most clients do not want to work for the employer that harassed or fired them anyway, adding in the settlement agreement: "Plaintiff does not have any present intention to apply for employment at Defendant company" should be acceptable to both parties without violating Code of Civil Procedure section 1002.5.

SB 707: Penalties for arbitration delays

Code of Civil Procedure sections 1281.97 and 1281.98 provide penalties for arbitration delays caused by the employer/respondent's refusal to timely pay arbitration fees. In arbitration of employment or consumer claims, an employer can be penalized for failing to pay arbitration fees within 30 days of the due date. The employee/complainant can deem nonpayment as a default, a waiver of arbitration forum, or a material breach. If the employee elects to proceed in court, the judge should issue monetary sanctions against the employer-respondent. A judge can limit discovery, as well as issue evidentiary and terminating sanctions. The statute of limitations is tolled and relates back to when the case was filed in arbitration. Use this Code of Civil Procedure section the minute respondent is 30 days late on paying arbitration fees and get out of the arbitration forum and back into court!

Conducting the initial client intakes

In 25 years of representing sexual-harassment and workplace-assault survivors, I have found that the majority of these clients have a history of suffering from childhood sexual abuse, domestic violence, or even rape. It is not unusual to discover evidence of learning disabilities or other educational challenges starting in grade school. Whether a person actually has a learning or cognitive disability, or is merely labeled having one, this results in low self-esteem and lack of confidence in adulthood.

It is therefore not hard to understand why clients who have been subjected to sexual harassment, assault, or violence are vulnerable and insecure. They are seen as "easy targets" by people in positions of power and authority in the workplace. Predators are emboldened by knowing their prey is too afraid to report the unlawful conduct. Usually, they are right. The target's background often explains their vulnerability and their reluctance to report being sexually harassed.

While every case and client are unique, sexual harassment/assault survivors often experience depression, anxiety, and post-traumatic stress disorder. To varying degrees, they also have problems concentrating, articulating their symptoms, and difficulty with memory. Keep this in mind when deciding on how to conduct the initial client intake. A sexual harassment/assault client intake requires a more personal and sensitive screening approach. And absolutely, never be judgmental.

While a website questionnaire approach is appropriate for many employment claims in seeking information from prospective clients, this is not true of sexual harassment/assault clients. These individuals often have an emotional need for immediate contact and support. They sometimes are uncomfortable describing their experience in writing, through an impersonal questionnaire.

When I become aware that the case involves sexual harassment or assault, I endeavor to have a personal interview. Face-to-face meetings or teleconferences (such as now when we are practicing social distancing) are a better way to develop a personal connection and trust with the potential client. Clients will be more candid in disclosing facts and you will be better able to assess credibility and how the client will hold up against aggressive cross examination. This personal connection will cultivate mutual comfort and trust, increasing the likelihood of you being chosen as their attorney.

Professional support and treatment

When assisting a survivor of sexual harassment/assault, the client's mental health must take priority. Especially in cases involving violence and rape, the client should be immediately referred to the Rape Abuse & Incest National Network ("RAINN") and the National Sexual Assault Hotline, which connects those in need with help in their local community: 800-656-HOPE or access their 24/7 online help at www.rainn.org.

Key things to understand about your client

Once you determine that the facts of the case will survive summary judgment, much of the strategy decisions you make will depend on how you answer the following questions:

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1. Stamina: Does the client have the financial and mental stamina to endure the rigors of litigation (deposition, subpoenas of sensitive medical and psychological records, past employer issues, probing in her private life)?
2. Memory: Can your client remember dates and events and describe them accurately, and with credibility? Are there documents that can help with her memory?
3. Public Presence: What does your client's public presence, including social media, look like? Are there embarrassing photos and comments that can be used against her?
4. Likeability: Will a jury like and believe the client? Will the jury hate or otherwise be persuaded by the defendant?
5. Records: What will defendants see in the medical, employment and educational records?

Sexual harassment/assault cases often involve circumstances where the conduct occurred in private, away from witnesses. There may be limited means of corroboration available to bolster the client's story. Therefore, the client's ability to withstand severe scrutiny and credibility attacks is paramount.

In answering these question, the client's ability to withstand cross-examination at deposition and at trial are key factors in determining whether to take a case, whether a case is viable for settlement purpose but not litigation, or whether the client has the fortitude to withstand the rigors of trial.

Filing a police report

In certain cases, it may be helpful to file a police report, a decision that must be made as soon as possible. Prompt filing of a police report can be persuasive evidence that the reported event actually occurred. That said, there are pros and cons to filing or not filing. Embarrassment and fear of retaliation, or not being believed, are some reasons a client may be reluctant to file a police report in pursuit of a criminal action. For some, particularly persons of color, there is an understandable distrust of law enforcement.

In cases of physical attack or other severely egregious conduct, if a police report is not immediately filed, the defense will argue that the allegations are contrived and that nothing actually happened. By filing a police report, attacks on the client's credibility in this way are lessened. In the end, the decision to file and press charges is one left up to the client.

Filing a police report has proven helpful in two of my cases. If it appears that the conduct could give rise to a felony charge, a decision the district attorney makes, detectives are able to set up a telephone wiretap in which they will secretly monitor the client's conversation with the suspect. The recording device will be set up on the phone that your client will use to call the suspect. Detectives will prepare the client with conversation starters in order to prompt a recorded conversation with the perpetrator. The goal is to get the suspect to divulge incriminating statements or admissions that confirm the sexual assault. In one of my cases, the wiretap worked and resulted in the district attorney filing criminal charges against the suspect, my client's supervisor. The civil case settled along with a criminal plea deal.

In another case, an undocumented client was sexually assaulted by her boss. With the assistance of an immigration attorney, the client was able to file for a United States nonimmigrant U visa. This visa is available for victims of crimes and their immediate family members who have suffered substantial mental or physical abuse while in the U.S. and who are willing to assist law enforcement and government officials in the investigation or prosecution of criminal activity. It permits such victims to enter or remain in the U.S. when they might otherwise be precluded. A police report is necessary in order to file for the U visa. An experienced immigration attorney should be consulted when pursuing this option.

Keep in mind that Rule 5-100 of the California State Bar Rules, Rules of Professional Conduct, prohibits lawyer from threatening to present criminal, administrative, or disciplinary charges in order to obtain an advantage in a civil dispute. One should never even allude to potential criminal action, in the context of settlement discussion, as it may be interpreted as a threat of criminal action.

Potential clients bringing someone for support

What should you do when the potential client brings a person for emotional support to the client meetings? Given the emotional nature of sexual-harassment cases, a third person whom the client relies on for strength or moral support will often accompany the client to meetings. It is sometimes helpful for the client to have a friend accompany them to the first office visit. This person can be helpful in keeping the client focused or can assist the client in remembering dates or details of events. At least in the beginning, it may be helpful to allow that person to attend initial meetings, in order to establish trust and facilitate receipt of information.

However, permitting the client's family member or friend to attend attorney-client meetings (or otherwise get involved in the litigation), undermines the attorney's ability to delve into often uncomfortable facts and details. In addition, it undermines the safeguards of the attorney-client privilege.

If the third party is a spouse, the marital privilege under Evidence Code section 970 will protect the communication from discovery. For a non-spouse, if you can show that the support person attended the meeting to further the interests of the client, or is a person for whom disclosure is reasonably necessary for the transmission of the information or the accomplishment of the purpose for which the lawyer is consulted, it can be argued that the communications remain protected by the attorney-client privilege under Evidence Code section 952.

At some point you must decide when the friend or family member's involvement is no longer necessary and

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beneficial to the client's case. When the attorney begins to offer legal advice or to discuss strategy, third parties should not be present during these discussions.

Deciding which law gives your client the strongest protections

FEHA vs. Title VII

California's anti-harassment and discrimination statute is the FEHA, as set forth in Government Code sections 12900 et. seq., and 12940, subdivision (j). The new Government Code section 12923 declares the intent of the Legislature concerning the FEHA as follows: "The purpose of these laws is to provide all Californians with an equal opportunity to succeed in the workplace and should be applied accordingly by the courts. The Legislature hereby declares that harassment creates hostile, offensive, oppressive or intimidating work environment… when the harassing conduct sufficiently offends, humiliates, distresses, or intrudes upon its victim, so as to disrupt the victim's emotional tranquility in the workplace, affect the victim's ability to perform the job as usual, or otherwise interfere with and undermine the victim's personal sense of well-being."

Sexual harassment (a form of gender discrimination) is also prohibited by federal law, Title VII of the Civil Rights Act of 194, as amended in 1991. (42 U.S.C. § 2000(e), et.seq.) In comparing state and federal statutes, the FEHA offers greater protections and relief. FEHA applies to employers with five or more employees. With respect to harassment, the FEHA protects even *one employee* or independent contractor. In contrast, Title VII protection starts with entities regularly employing at least 15 employees. Thus, the FEHA casts a far broader net in providing protection to California employees.

The FEHA imposes individual liability for harassment, whereas liability under Title VII is limited to the employer generally. The FEHA not only provides unlimited damages for numerous forms of injury, but also provides injunctive relief. In contrast, Title VII limits emotional-distress damages to $300,000. And, while both statutes provide for prevailing plaintiff attorney's fees, multipliers are routinely awarded under the FEHA. The FEHA also provides protections from third-party harassers and imposes liability on a company defendant for failing to prevent harassment.

One particular form of harassment is *quid pro quo* sexual harassment, which occurs when employment or a term of employment is conditioned expressly or impliedly on submission to unwelcome sexual advances of conduct. (*Mogilefsky v. Superior Court* (1993) 20 Cal.App.4th 1409, 1414.) Always look for facts that support a *quid pro quo* claim of harassment in addition to the hostile work-environment claim. *Quid pro quo* harassment often involves economic losses (no job advancement if client did not give in to sexual advances). In addition, there is no need to prove the "pervasive" or "severe" standard needed to prevail in a sexual harassment claim.

Civil Code section 51.9: Sexual harassment in business, service and professional relationships

Under this Civil Code, an individual can be held liable if there is a business, service, or professional relationship between the plaintiff and defendant, and the defendant made sexual advances, solicitations, sexual requests, demands for sex that were unwelcome and severe or pervasive. This does not apply to the employer-employee relationship, but rather relationships such as teacher-student, doctor-patient, coach-student, producer-actor, patient-therapist, and any similar business relationship.

Civil Code section 52.4: Gender violence within the three-year statute

Civil Code sections 52.4, subdivisions (a) through (d) provide a civil remedy and damages to victims of gender violence. Gender violence is (1) any act that would constitute a criminal offense under state law that has, as an element, the use or attempted use of violence against a person based, at least in part, on the victim's gender, or (2) a physical intrusion or physical invasion of a sexual nature under coercive conditions, whether or not a crime. This cause of action can be pursued against the individual perpetrator, not the employer, unless the employer personally committed the act of gender violence. These claims are viable regardless of the victim's gender, including transgender individuals. Remedies available include actual and punitive damages, injunctive relief, attorney's fees and costs to the prevailing plaintiff.

The statute of limitations is three years for adults, and eight years after a minor reaches majority (18 years of age in California), or three years after discovery, whichever occurs later.

Civil Code section 11708.5: Sexual battery within the three-year statute

Civil Code section 11708.5 provides protection for sexual battery – sexually offensive contact of an intimate part of another or by an intimate part of the actor. Intimate part means the sexual organ, anus, groin, or buttocks of any person, or the breast of a female. Any form of physical touching warrants assertion of this claim. There is no DFEH exhaustion requirement and the statute of limitations is three years, under Code of Civil Procedure section 338, subdivision (a). An employer can be held liable for the assault or battery of its employees, if it knows or should have known of the perpetrator's propensity, under a negligence theory. (See *Hart v. National Mortgage & Land Co.* (1987) 189 Cal.App.3d 1420.)

Polygraph expert

Polygraphs are not admissible at trial for purposes of proving credibility. However, a polygraph test might be useful. Particularly in cases involving a high-profile defendant, such as a celebrity or politician, a successfully passed polygraph test can often be useful in pre-litigation discussions. Informing the defense that your client passed a polygraph test and then inviting the harasser to submit to his own polygraph test introduces a leverage

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point that can be helpful in leading to settlement discussions. If there is media interest in the case, it is helpful to be able to say that the client passed a polygraph test.

Also, a successfully passed polygraph can be used to justify the filing of the lawsuit, and perhaps later, in defense of a fee motion or a malicious prosecution action. Of course, if the client cannot pass the polygraph test, seriously consider the case for negotiation only, or reconsider taking the case at all.

Press conference?

I prefer to hold defendants publicly accountable for the harm they caused my clients for the world to see. Certain cases involving rampant abuses or high-profile figures may warrant a press conference or press release to generate enough media attention to pressure the defendants to take the matter seriously. It may even mobilize a community to boycott a company or call for companywide changes that cannot otherwise be compelled through a lawsuit without public pressure. Another benefit to media attention is discovering "me too" witnesses who may be encouraged to come forward and provide helpful corroborative testimony.

However, media attention may also embolden the defendant to fight at all costs and possibly counter-sue. In making the decision to seek media attention, keep both potential consequences in mind. Ultimately, it should be your client's decision.

Should your client file with the DFEH for investigation?

As discussed, depending on the key factors discovered about your client, this will dictate which forum benefits the client most. There are advantages and disadvantages to filing with the DFEH. Once you file with the DFEH, you eliminate the respondent's ability to demand confidentiality from your client in exchange for a settlement agreement. Another advantage is that you can request an investigation (and not get an immediate right to sue letter). The DFEH will interview your client and the respondent. The DFEH will require the respondent to provide a position statement. This statement pins down the respondent's explanation and response to the allegations. Obtain this in discovery if the case goes forward. The DFEH will also offer a free mediation with good, experienced mediators. I have had several cases settle at the DFEH's free mediation program with very good results.

When the DFEH investigates, I remain active in the matter, helping my client with the DFEH interview, helping provide witnesses and any information that will result in a "for cause" finding. With a finding, the DFEH file moves to the litigation and enforcement department for review. If the DFEH litigation department decides to prosecute the case on behalf of the State of California, you can file as "Intervener" on behalf of your client as the "Real Party in Interest." In the position of co-counsel with the DFEH, you can strategize together and share costs. The combination of having the DFEH and private counsel suing the defendant is powerful.

The disadvantage of filing with the DFEH is the lengthy delay in the process. Even getting the initial intake interview can take several months. Also, the DFEH is very selective about the cases it wishes to prosecute. You will no longer be able to have confidentiality in your settlement agreements related to sexual harassment or gender discrimination if that is what your client preferred.

Deciding whether to limit recovery to "garden variety" damages

Targets of sexual harassment or assault often have a history of vulnerability. Predators seem to have a sixth sense for spotting and taking advantage of these individuals. As a consequence, defendants will delve into their medical history and their private life, and subject them to an excessive degree of scrutiny. Virtually every sexual harassment/assault case gives rise to emotional distress. The degree to which harm has been caused becomes the focal point of discovery.

There must be a balancing of the client's privacy rights against the defendant's discovery rights. Battles must be waged to limit what the defense can access from the client's past. Regardless of your vigilance, in objecting and filing of motions to quash, the trial judge you are assigned to will determine the breadth or limits of the scope of discovery allowed in your case. Oftentimes, a history of previous incidents of harassment or assault create the basis for an egg-shell plaintiff whose injuries are magnified by their history. With this in mind, as counsel, you must conduct a thorough review of the client's medical records, in order to determine what harmful or embarrassing information exists, the extent to which it helps or hurts the client, and the arguments that can be made to preclude disclosure.

In some instances, the client's history may undermine the client. Or the client is otherwise too uncomfortable to endure disclosure. In these circumstances, one can opt to limit emotional distress recovery to "garden variety" emotional injuries. These injuries are those that an ordinary person would experience in the similar situation arising from the incident. Emotional injuries like this include physical pain, mental suffering, loss of enjoyment of life, grief, anxiety, and humiliation. (CACI No. 3905A).

If the client is unwilling to allow discovery into past medical records, therapy sessions, and the like, then claiming "garden variety" emotional distress eliminates the ability of defendants to seek medical records or a Defense Medical Exam ("DME"). Of course, limiting damages to the "garden variety" will limit the monetary award as well.

It is imperative to obtain all of the client's medical records at the onset, before discovery and subpoenas for their production are issued, so that fully informed strategy decisions can be made.

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Certain areas of privacy are completely off limits; fight attempts to humiliate

In litigation, defendants often try to discover or introduce evidence to humiliate or intimidate. Several statutes help protect client privacy in these circumstances.

Evidence of a plaintiff's sexual conduct is not discoverable in sexual-harassment/assault cases. (Govt. Code, § 11440.40.) Reputation or opinion evidence regarding the plaintiff's sexual behavior is inadmissible for any purpose. Likewise, plaintiff's sexual conduct with individuals, other than the perpetrator, is presumed inadmissible.

Code of Civil Procedure section 2017.220 prevents discovery of plaintiff's sexual conduct in a sexual assault, sexual battery, or sexual harassment civil action. Absent a defense showing of good cause on noticed motion (not by ex parte application) that the information sought will lead directly to admissible evidence, such information is not discoverable. The non-prevailing party seeking such information may be sanctioned.

Evidence Code section 782 prohibits introduction of plaintiff's sexual conduct to attack her credibility, absent the filing of a written motion and affidavit under seal. In contrast, defendant's conduct with others may be introduced through Evidence Code section 1101, as indicia of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

Selecting the best jurors for your client and case

Particularly in sexual-harassment and sexual-assault cases, where there is limited or no eye-witness corroboration, nothing is more important than having a jury receptive to the circumstances of the client's case. Use of a jury consultant is especially helpful in these cases.

In general, trial attorneys handling such cases agree with some common premises. Some female jurors lean toward being unreceptive to female victims of sexual harassment/assault. These jurors tend to blame the victim for putting herself in circumstances that cause this assault. Others put themselves in the shoes of the victim, and second-guess every decision, taking the approach of "I'd never had let that happen to me…." This "blame the victim" approach can be fatal, particularly if the juror is a persuasive leader or becomes the foreperson.

Some jurors still suffer from a societal bias toward favoring the male aggressor, simply because he is in a position of authority and presumably deserving of trust (the executive, manager, president, etc.). The undue deference given to superiors causes the vulnerable victim to be victimized twice: both times arising from the power dynamic which assumes that the underling is wrong and the person in power is right.

Trial attorneys handling such cases often find safer ground with jurors who have been subjected to assault or harassment, particularly by a person with the ability to wield power and claim innocence. When a woman is the victim, husbands and fathers of daughters are a starting point in looking for receptive listeners.

Female on male harassment and male-on-male harassment not only occur but appear to be less reported than traditional male-on-female harassment and sexual assault. Given that homosexuality is still not fully accepted in society, male-on-male harassment carries its own additional burdens, i.e., possible resistance to belief based on homophobia, or believing that the bad treatment is deserved, or other irrational and discriminatory beliefs. In these instances, using focus groups and jury consultants is all the more essential.

Conclusion

Representing sexual-harassment and workplace-assault victims is not easy, but it is very rewarding. Being empathetic and nonjudgmental at the initial contact is very meaningful to the individuals seeking your help. Remember that successfully representing a client might not even involve filing a lawsuit, a DFEH complaint, or even a demand letter. It may be simply referring the potential client to a mental-health provider, a domestic-violence shelter, law enforcement, or other resources. But when you do take the case for litigation, know that California has some of the strongest anti-harassment laws in the nation, as well as an army of attorneys and advocates from various workers' rights organizations who are dedicated to fighting for safe, harassment-free workplaces and equal opportunities for all.

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