



# Building Toward The Future



The Employee Rights Advocacy®  
**INSTITUTE**  
**For Law & Policy**

2019/2020 Annual Report

## BOARD OF DIRECTORS

**Rebecca L. Salawdeh**

*President*

**Diane S. King**

*Treasurer*

**Joanne Irby**

*Secretary*

**Patricia A. Barasch**

**Bruce A. Fredrickson**

**Alicia K. Haynes**

## STAFF

**Karen Maoki**

*Interim Executive Director*

**Alicia Battle**

*Events Coordinator*

**Jesse Belmontes**

*Summer 2019 Employee Rights Advocacy Fellow*

**Elizabeth Colman**

*Senior Paul H. Tobias Attorney Fellow &  
Policy Advocate*

**Christy England**

*Paul H. Tobias Attorney Fellow*

**Laura M. Flegel**

*Director of Law & Policy*

**Leah A. Hofkin**

*Director of Development*

**Nareeya Nalivka**

*Director of Finance & Human Resources  
Through May 10, 2019*

**Terry O'Neill**

*Executive Director  
Through August 31, 2019*

**Francesca Santos**

*Administrative Assistant  
Through March 13, 2020*

**Pedro A. Valverde**

*Digital Communications Associate &  
Technology Manager*

**Ashley O. Westby**

*Program Manager*

## Message From Our President


I am pleased to share "Building Toward The Future," the 2019/2020 Annual Report of The Employee Rights Advocacy Institute For Law & Policy (The Institute). The Institute has been busy and productive, examining some of the most pernicious issues facing workers and developing resources to shape the future of employment law. We have spent time looking inward to address how best to build The Institute and ensure that we remain at the forefront of advancing workers' rights. And like so many organizations, we have continued our efforts while facing the extraordinary circumstances presented by COVID-19.

Thank you to our staff, who work tirelessly to carry out The Institute's initiatives with great care and quality. I also express deep gratitude to our supporters whose generous contributions make our efforts possible.

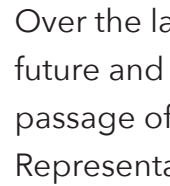
As we embark on our 14th year, we know there is still much to be done to support workers. We remain encouraged by the passion and commitment of everyone in this inspiring community.

Thank you for all you do to advocate for workers' rights.

Warm regards,

A handwritten signature in black ink, appearing to read "RS" followed by a long horizontal stroke.

Rebecca L. Salawdeh  
President

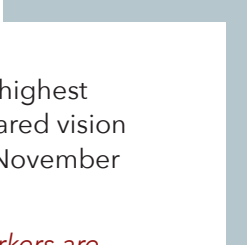


Over the last two years, The Institute has taken significant steps toward building our future and the future we want for America's workers. In 2019, we celebrated the historic passage of the Forced Arbitration Injustice Repeal (FAIR) Act by the U.S. House of Representatives, while expanding our collection of educational resources on forced arbitration. We introduced an *Amicus* Program to have an even greater influence on the development of employment law. And, in response to the growth of the gig economy and the alarming trends emerging for gig workers, The Institute in 2020 launched a new area of focus: Exploitation In The Gig Economy.

## In Review

### Reinforcing Our Foundation

As the charitable public interest partner of the National Employment Lawyers Association (NELA), The Institute collaborates with the country's leading workers' rights attorneys to understand the challenges individuals face every day at work and the obstacles they must overcome in seeking justice when they are mistreated. Workers deserve a strong and powerful voice, and with NELA, The Institute has made it a priority to amplify that voice.




This commitment is inspired by our highest values, which are reflected in the shared vision The Institute and NELA adopted in November 2019:

*We aspire to a future in which all workers are treated with dignity and respect; workplaces are equitable, diverse, and inclusive; and the well-being of workers is a priority in business practices.*

The Institute also clarified its unique role in realizing this bold vision by updating its mission:

*The Institute's mission is to advance workers' rights through research, thought leadership, and education for policymakers, advocates, and the public.*



... a leader  
in the fight  
against  
forced  
arbitration...





...expanding our collection of educational resources and launching an *Amicus* Program...

## Expanding Our Work

For more than a decade, The Institute has been a leader in the fight against forced arbitration in the workplace. We are known for our growing portfolio of online resources on the subject. In 2019, we published *Justice Denied: How The U.S. Supreme Court Forced America's Workers Into Arbitration*, an interactive timeline which allows readers to explore six aspects of forced arbitration through a thorough review of the case law.

We expanded *The Facts On Forced Arbitration*, a toolkit explaining how forced arbitration allows certain types of behavior to persist in the workplace, including the silencing of sexually harassed workers, rampant wage theft, and discrimination.

Through our new *Amicus* Program launched in 2019, The Institute has submitted or signed onto eight *amicus curiae* briefs in high-impact employment cases before the U.S. Supreme Court and Courts of Appeals.

In 2020, The Institute released our first two research projects focused on exposing the inequities within the gig economy. "The Gig Economy By The Numbers" and "Spotlight On California: AB 5, Proposition 22, And The Fight For Gig Workers' Rights" provide important background information and highlight current attempts by employers to deny gig workers vital workplace protections.



## Cultivating Advocates

The Paul H. Tobias (PHT) Attorney Fellowship Program, named in honor of NELA's Founder and first Executive Director, exemplifies our commitment to cultivating the next generation of workers' rights lawyers and experts. It provides a new lawyer with the opportunity to work at The Institute for two years. Christy England, a 2019 graduate of UCLA School of Law, joined us in November 2019 as the 2019-2021 PHT Attorney Fellow. She succeeded Elizabeth Colman, who joined The Institute as the 2016-2018 PHT Attorney Fellow. At the conclusion of her initial fellowship, Elizabeth accepted a new one-year position as Senior PHT Attorney Fellow & Policy Advocate. We thank Elizabeth for an outstanding tenure and wish her well in her future endeavors.

Through The Employee Rights Advocacy Scholarship Program, The Institute broadens access to NELA's CLE programs, which are designed specifically by and for attorneys who represent workers within a highly supportive professional network. In 2019 and 2020, The Institute provided scholarships to a geographically diverse group of 26 workers' rights advocates. Scholarship recipients included public interest and legal services attorneys, law students who are deeply committed to practicing plaintiffs' employment law, and attorneys in private practice without the financial resources to receive NELA's specialized training.

# 2019-2020 Donors

The Institute gratefully acknowledges the visionaries of workers' rights who made financial contributions to support our work. The giving levels listed below reflect our supporters' combined contributions in 2019 and 2020.

## CY PRES AWARDS

Foote, Mielke, Chavez & O'Neil, LLC  
The Franklin Law Firm  
Hawks Quindel, SC  
Johnson // Becker, PLLC  
Nichols Kaster, PLLP  
Potter Bolaños LLC  
Sanford Heisler Sharp, LLP  
Schneider Wallace Cottrell Konecky LLP

## FOUNDATION GRANTS

The M.R. & Evelyn Hudson Foundation  
Kazan McClain Partners' Foundation  
Albert & Doris Pitt Foundation  
Public Welfare Foundation

## GENERAL SUPPORT

### \$2,500-\$4,999

Bernard Alexander  
Katherine L. Butler  
Wade B. Cowan  
Bruce A. Fredrickson &  
Kristin K. Fredrickson  
Garrison, Levin-Epstein, Fitzgerald &  
Pirrotti, PC  
Messing, Rudavsky & Weliky PC  
Rebecca L. Salawdeh  
Schall & Barasch, LLC  
Tracy Van Dyk In Honor Of  
Deborah H. Karparkin

### \$1,000-\$2,499

Blumenthal Nordrehaug  
Bhowmik De Blouw LLP  
Nieves Bolaños  
Heather Moore Collins  
Correia & Puth, PLLC  
Charlotte Fishman &  
Alan W. Sparer  
Goldstein, Borgen,  
Dardarian & Ho  
J. Gary Gwilliam  
Haynes & Haynes, PC  
James H. Kaster &  
Joellen M. Kaster  
King & Greisen, LLP  
Karen Maoki  
In Honor Of Wade B. Cowan &  
Rebecca L. Salawdeh  
NELA Board Members  
In Honor Of Amy L. Coopman  
Jonathan C. Puth &  
Mira F. Courpas

### \$500-\$999

The Cook-Scholnick Fund of  
The Utah Community Foundation  
Eisenberg & Schnell, LLP  
William H. Ewing  
Fiedler Law Firm  
Karla Gilbride  
Daniel B. Kohrman In Honor Of  
Fiona Rachel Connolly Kohrman  
Barbara A. Moore

Kathryn S. Piscitelli  
In Honor Of The Marriage Of  
Ed Still & Florence Moore  
Gregory A. Rich  
Roberta L. Steele  
In Honor Of Karen Maoki  
Carl M. Varady  
Christine E. Webber

### \$250-\$499

Clara S. Acosta  
John P. Batson  
John F. Beasley, Jr.  
John A. Beranbaum, Beranbaum  
Menken LLP  
Beth E. Bertelson  
Philip Bohrer  
Carla D. Brown  
Sarah A. Brown, Brown &  
Curry, LLC  
Katherine L. Butler  
In Memory Of Joe Kaplan  
Debra P. Chaw  
Carmen Comsti  
Ronald G. Dunn  
Christine T. Elzer  
Laura M. Flegel & Mary Farmer  
In Memory Of Joe Kaplan  
Paul Glusman  
Hammons, Hurst & Associates  
Leah A. Hofkin  
Deborah H. Karparkin  
Donna R. Lenhoff &  
Michael F. Jacobson  
Andrew Lewinter  
David Lichtenstein  
Guy D. Loranger  
Jonathan J. Margolis  
Nina T. Pirrotti  
Scott M. Pollins  
Elizabeth A. Rodgers  
Merle Joy Turchik  
David Wachtel  
In Memory Of Joe Kaplan  
Hollie L. Wieland  
Jeffrey Neil Young  
In Honor Of Karen Maoki  
Jason Mark Zuckerman

### \$100-\$249

Samuel R. Bagenstos  
Paul H. Benoist  
Kirby F. Canon  
Stephen Churchill  
Roxanne B. Conlin  
Deutsch Atkins, PC  
Arthur R. Ehrlich, Law Offices of  
Goldman & Ehrlich  
Debra A. Freid  
Hal K. Gillespie  
Colleen Goodin  
In Memory Of William H. Chaw  
Robin Green  
Richard K. Grosboll  
Mark Hanna  
Jarrett Haskovec  
Bruce J. Highman  
Phyllis C. Hofkin  
Maureen T. Holland  
April L. Hollingsworth  
David A. Hughes  
Joanne Irby  
John C. Ireland  
Patricia Ito  
In Honor Of Teri Chaw  
Susan E. Jewell  
Jeffrey Kulwin  
Sean McGivern, Graybill &  
Hazlewood, LLC  
Colleen M. Meenan  
John M. Mooney, Jr.  
John Thomas Moran, Jr.  
C. Ryan Morgan  
Richard J. Murray  
Summer H. Murshid  
Howard Myers  
Ann Olivarius  
O'Malley & Madden, PC  
Patricia A. Podolec  
Randall Scott Poerschke  
Potter Bolaños LLC  
Maria Rapier & Beau Rapier  
Nancy Richards-Stower  
Marilou Righini &  
Massimo Righini  
Patricia S. Rose  
Barry D. Roseman  
Maria Salacuse

Rebecca L. Salawdeh  
In Memory Of Melvin Barasch  
Rebecca L. Salawdeh  
In Memory Of Joe Kaplan  
Jessica Scales  
Randall D. Schmidt  
Alan H. Schorr  
Michal Shinnar  
Carol G. Silverman  
Alix Simonetti  
Dara S. Smith  
Jason C.N. Smith  
Fern Steiner  
Michael Stevens  
Geraldine Sumter  
Gary Trachten  
Virginia Villegas  
Ashley O. Westby

### Up To \$99

Andrew M. Adelman  
N. Sue Allen  
Kelly Applegate  
James L. Arruebarrena  
Talia Benamy  
In Memory Of Joe Kaplan  
Cliffith D. Bennett  
Scot D. Bernstein  
Eric Blanchard  
Alenna K. Bolin  
Valerie Brender  
Jeffrey G. Brown  
Deena Buchanan  
F. Anthony Bullock  
Donald F. Burke  
Rachel Bussett  
Jill Santopolo Claster &  
Andrew Claster  
In Memory Of Joe Kaplan  
Timothy J. Coffey  
H. Joseph Cronen  
Charles W. Day, Jr.  
V. James DeSimone  
Michael D. Diederich, Jr.  
Jessica Doogan  
Thomas J. Duff  
Brian East  
In Memory Of Joe Kaplan  
Mitchell Feldman



David Fielding  
Paris G. Filippatos  
Howard Mark Fine  
Joshua Frank  
Joshua Friedman  
Andrew R. Frisch  
The Garber Law Firm, PC  
Lenore C. Garon  
Henry P. Gassner  
Andrew Golden  
Jonathan L. Gould  
Nancy Grim  
Geoffrey L. Gross  
Edward Hernstadt  
William Hommel, Jr.  
Vicki Kuftic Horne  
Sara Wyn Kane  
Allan N. Karlin  
Ronald J. Kim  
James R. Klimaski  
Gerald Kuchia  
James Kytle  
Ben Lebsack  
Cheryl B. Legare  
Sergei Lemberg  
Mary-Ann Leon  
Brendan P. Lynch  
Frank Malatesta  
Christine Malmat  
David Marek  
Diana Marin  
Kraig J. Marton  
Beth Moeller  
Rita M. Morales  
Melissa Morris  
Kelsey Murphy  
In Memory Of Joe Kaplan  
Alberto Naranjo  
Victoria Lynn Neal  
Michael Nicholas  
Stephen B. Pershing  
Melissa A. Pomfret  
David M. Poore Tuner  
Richard Quintilone, II  
Timothy A. Ricker  
Garlon Riegler  
In Memory Of Joe Kaplan  
Jacob A. Rose  
Donna Williams Rucker

James D. Sanford  
Ravi Sattijaru  
Tammy Schmidt  
In Memory Of Joe Kaplan  
Melissa Scott  
Richard T. Seymour  
Nina B. Shapiro  
John P. Sheridan  
Catherine Simmons-Gill  
Elizabeth "Booka" Smith  
Lucas Sperber  
J. Thomas Spiggle  
Joshua C. Stockton  
Trang Q. Tran  
Olivia Villegas  
Rob Wiley  
Wesley Woolf  
Louie A. Wright  
Susan A. Wuchinich  
Benjamin H. Yormak  
Steven R. Yormak  
Katherine A. Young  
Steven R. Yormak  
Katherine A. Young

#### **THE CHAW LEGACY FUND TO ADVANCE THE INSTITUTE'S FUTURE**

**\$1,000+**  
Dennis E. Egan

**\$500-\$999**  
The Chaw Family Fund  
In Memory Of William H. Chaw

**\$250-\$499**  
Debra P. Chaw

**\$100-\$249**  
Alan Banov  
Lawrence R. Chaban  
Haynes & Haynes, PC  
In Memory Of William H. Chaw  
Patricia Ito  
In Honor Of Teri Chaw  
Wendell Soohoo & Jon N. Liu  
In Memory Of William H. Chaw  
George M. Wong  
In Memory Of William H. Chaw

**Up To \$99**  
Janet E. Fong  
In Memory Of William H. Chaw  
Evelyn Lee & Chew Lew  
In Memory Of William H. Chaw

#### **THE EMPLOYEE RIGHTS ADVOCACY SCHOLARSHIP PROGRAM**

**\$1,000+**  
Jase Carter, Carter Law Firm LLC

**\$500-\$999**  
Alan R. Kabat  
Carl M. Varady

**\$250-\$499**  
Janet E. Hill  
Effat Hussein In Honor Of  
Deborah H. Karpatkin

**\$100-\$249**  
Courtney App  
Jacqueline A. Armstrong  
Marcia Askin & Terry Askin  
In Memory Of Joe Kaplan  
Christian Bagin  
In Memory Of Bruce Bagin  
Paul F. Bell  
Katherine L. Butler  
Danielle Chiotti  
In Memory Of Joe Kaplan  
Amy L. Coopman  
Kurt Patrick Cummiskey  
Charles W. Day, Jr  
Isidro M. Garcia  
Dan Getman  
Ian Kalmanowitz  
Nareeya Nalivka  
In Memory Of Sylvia V. Ritchey  
Susan Palmer  
Richard Quintilone, II  
In Honor Of  
William Burlingham  
Barry D. Roseman  
John P. Sheridan  
Carol G. Silverman

**Up To \$99**  
N. Sue Allen  
Nieves Bolaños  
Denise M. Clark  
Howard Mark Fine  
Hal K. Gillespie  
Joseph H. Gillespie  
Marcus G. Keegan  
Ronald J. Kim  
Ben Lebsack  
Natalie Lund  
In Memory Of Joe Kaplan  
Jonathan J. Margolis  
Patricia A. Podolec  
Nancy Richards-Stower  
Jeremy C. Rosenbaum  
Brian P. Sanford  
Tim Schulte  
Richard T. Seymour  
Donna Williams Rucker

#### **THE PAUL H. TOBIAS ATTORNEY FELLOWSHIP PROGRAM**

**\$1,000+**  
Terisa E. Chaw &  
James A. Hendriksen  
In Honor Of  
Paul Tobias' 90th Birthday  
Dennis E. Egan  
Deborah K. Lim & Michael J. Woo  
In Memory Of May C. Lim

**\$500-\$999**  
Cynthia Y. Chaw  
Bruce A. Fredrickson &  
Kristin K. Fredrickson

**\$250-\$499**  
Elinor C. Chaw  
In Honor Of Teri Chaw &  
Jim Hendriksen  
Heather Moore Collins  
Charles W. Day, Jr  
Haynes & Haynes, PC  
In Honor Of Elizabeth Colman  
Gregory A. Rich  
Rebecca L. Salawdeh  
Brian P. Sanford  
In Honor Of Paul H. Tobias

**\$100-\$249**  
Bernard Alexander  
Nieves Bolaños  
Subhashini Bollini  
Carla D. Brown  
Katherine L. Butler  
Linda M. Correia  
Wade D. Cowan  
Brian East  
Janet E. Hill  
Leah A. Hofkin  
In Memory Of Charles Hill  
Maureen T. Holland  
Joseph V. Kaplan  
Deborah H. Karpatkin  
James P. Kemp  
Julie Johanna Oinonen  
In Honor Of Paul H. Tobias  
Terry O'Neill  
Ruth D. Raisfeld  
Donna Williams Rucker  
Liane Scott & Eric Scott  
In Honor Of Teri Chaw  
Jennifer Iliana Segnere  
Michael C. Subit  
Jeffrey Neil Young

**Up To \$99**  
Athena M. Herman  
Ronald J. Kim  
Candis A. McGowan  
Susan D. Motley  
Betsy Rader

## **The Visionary Circle**

*Members of the Visionary Circle make an annual commitment of \$1,000 or more to support the ongoing work of The Institute. We are honored to recognize the members of the 2019 and 2020 Visionary Circles.*

Bernard Alexander  
Blumenthal Nordrehaug Bhowmik  
De Blouw LLP  
Katherine L. Butler  
Jase Carter, Carter Law Firm LLC  
Terisa E. Chaw &  
James A. Hendriksen  
Heather Moore Collins  
Correia & Puth, PLLC  
Wade B. Cowan  
Dennis E. Egan  
Charlotte Fishman & Alan W. Sparer  
Bruce A. Fredrickson &  
Kristin K. Fredrickson  
Garrison, Levin-Epstein, Fitzgerald &  
Pirrotti, PC  
Goldstein, Borgen, Dardarian & Ho  
Haynes & Haynes, PC  
James H. Kaster & Joellen M. Kaster  
King & Greisen, LLP  
Deborah K. Lim & Michael J. Woo  
Karen Maoki  
Messing, Rudavsky & Weliky PC  
Michael Pitt & Peggy Goldberg Pitt  
Rebecca L. Salawdeh  
Schall & Barasch, LLC  
Tracy Van Dyk

# Join Us In Advancing Workers' Rights

We welcome your involvement in creating a better future for America's workers.

**Donate Now:** You can have a positive impact on workers' rights now by making a tax-deductible donation to The Institute today.

**Dedicate Your Gift To Someone Special:** Honor the memory of a colleague, friend, or family member or mark a milestone or special occasion with a memorial or tribute gift.

**Give Monthly:** Even a modest monthly commitment will make a big difference to advancing workers' rights. It is easy to set up and change at any time.

**Consider A Qualified Charitable Distribution:** If you are 70 1/2 years of age, you can donate your Required Minimum Distribution from a 401(k) fund, your IRAs, or both directly to The Institute as a Qualified Charitable Distribution and avoid certain tax consequences. Please consult your financial and tax advisors for more information.

**Include The Institute In Your Estate Plans:** Consider naming The Institute as a beneficiary in your will or living trust to build your legacy as an advocate for workers' rights.

**Name The Institute For A Cy Pres Award:** By designating The Institute as a *cy pres* recipient in your next class or collective action, you can help level the playing field for workers seeking justice like your clients. The Institute has a strong track record as a *cy pres* beneficiary in employment discrimination, wage and hour, and other cases involving workplace violations.

Please contact The Institute for more information.

## YOU CAN MAKE A DONATION NOW:

- **Online** at [www.bit.ly/ForWorkers](http://www.bit.ly/ForWorkers)
- **Text "GIVE"** to (202) 410-1370
- **By Phone:** Call (415) 296-7629, ext. 221.
- **By Mail:** Send a check to The Employee Rights Advocacy Institute at the address below.

The Employee Rights Advocacy®  
**INSTITUTE**  
**For Law & Policy**

The Employee Rights Advocacy Institute For Law & Policy  
1800 Sutter Street  
Suite 210  
Concord, CA 94520

Tel: (415) 296-7629  
Fax: (866) 592-7521  
[info@employeerightsadvocacy.org](mailto:info@employeerightsadvocacy.org)

[www.employeerightsadvocacy.org](http://www.employeerightsadvocacy.org)