



Harvey C. Berger, Esq.
Employment Law Mediator

OVERVIEW:

“He’s described by fellow litigators as a straight shooter, thoughtful, someone you can take at his word. The kind of lawyer you’d want fighting for you.” – Kristina Davis, San Diego Union-Tribune (2013)

In addition to over a decade serving as a mediator and arbitrator, Harvey Berger offers over 40 years of experience in employment law and employment litigation. Because of his depth of experience, Harvey objectively views cases from both sides’ perspectives, resulting in his success in tenaciously and successfully mediating employment cases.

Harvey’s success is based on his ability to know how both sides think in a vast array of employment cases. Throughout his career, *he represented both sides*, including workers and executives, as well as employers ranging from small businesses to billion-dollar corporations. Harvey’s vast and diverse experience includes representing the workers in the landmark *Dynamex Operations W. v. Superior Court* case (resulting in California’s “ABC” test for independent contractors), as well as representing the defendant in very high-profile sexual harassment litigation.

Seasoned in all aspects of employment disputes, Mr. Berger’s experience includes over 75 class and PAGA actions, wage and hour claims, wrongful termination, discrimination, harassment, and executive severance negotiations, in addition to negotiating and drafting employment contracts, including C-Suite executives in Fortune 500 companies.

Harvey’s skill, professionalism, and civility are best illustrated by the fact that on several occasions, defendants he sued later retained him to represent them. The Society of Human Resource Management (SHRM) asked him to speak at its California annual conference on “Employment Law from the *Plaintiff* Lawyer’s Perspective”. This is why he truly can say, “I Know How the Other Side Thinks”.

In addition to his role at Berger & Williams, LLP, for a decade, Harvey has served as a mediator and arbitrator with the American Arbitration Association’s Employment Panel, and an arbitrator for attorney fee disputes through the San Diego County Bar Association. He has been widely recognized by peers and publications as one of San Diego’s top employment lawyers, earning repeated honors from *Super Lawyers* and the *San Diego Business Journal*, among others.

Elected to the College of Labor and Employment Lawyers in 2015, Harvey is also a lecturer and trainer on wage and hour

issues, class actions, sexual harassment, disability law, and management practices. His depth of experience, coupled with his reputation for professionalism and civility, underscores his effectiveness in guiding parties toward meaningful resolution.

RATES:

- Half day - \$6,000 flat rate: includes two hours of preparation (including brief review and pre-mediation Zoom test sessions) and 4 hours of mediation time; \$750 per hour thereafter, in ½ hour increments
- Full day - \$11,000 flat rate: includes two hours of preparation (including brief review and pre-mediation Zoom test sessions) and 8 hours of mediation time; \$750 per hour thereafter, in ½ hour increments
- \$400 administrative fee per party

LEGAL CAREER & PRIOR EXPERIENCE:

- Berger & Williams, LLP, San Diego, California (2022 - current)
- Berger, Williams & Reynolds, LLP, San Diego, California (2018 – 2022)
- Pope, Berger, Williams & Reynolds, LLP, San Diego, California (2015 - 2018)
- Pope, Berger & Williams, LLP, San Diego, California (2003 - 2014)
- Pope & Berger, San Diego, California (1996 - 2002)
- Haasis, Pope & Correll, A.P.C., San Diego, California (1984 - 1996; equity partner from 1989)
- McInnis, Fitzgerald, Rees, Sharkey & McIntyre, San Diego, California (1982 - 1984)

EDUCATION:

- Pepperdine University
 - Strauss School of Mediation - Mediating the Litigated Case (2013)
- University of San Diego School of Law
 - Juris Doctor (1981)
- MIT Sloan School of Management
 - M.S. in Management, Concentration in Industrial Relations (1976)
- State University of New York at Stony Brook
 - BA Magna Cum Laude, Major in Economics (1974)

ADR SPECIALTIES:

- Wage & Hour
- Representative Matters (Private Attorneys General Act - PAGA)
- Class Actions Harassment/Sexual Harassment
- Whistleblower and Retaliation
- Wrongful Termination
- Severance Claims
- Leave of Absence and Accommodation
- Hostile Work Environment/ Harassment, Sexual Harassment
- Discrimination: ADA, disability, Age, Gender, Race, Religion, Sexual Orientation, Pregnancy, National Origin, military
- Pre-Litigation Matters
- Litigated Matters

PUBLICATIONS:

- American Bar Association Section of Labor and Employment Law, BNA Books, and Uniform Services Employment & Reemployment Rights Act (USERRA) Chapter Editor
- Contributing author: BNA Wage & Hour Laws - a State-by-State Survey
- Chapter Author for Wage and Hour Laws: A State-by-State Survey, 2008 Cumulative Supplement, (*for which Mr. Berger received a Certificate of Appreciation for Significant Contributions to the Advancement of the Law*)

ORGANIZATIONS:

- State Bar of California
- Arbitrator & Mediator, American Arbitration Association Employment Panel (2016-present)
- San Diego County Bar Association (Lawyer Referral Information Service, Board Chairman 2012/2013; and Labor & Employment Section, Co-Chairman, Fee Dispute Mediator)
- College of Labor and Employment Lawyers
- California Employment Lawyers Association
- National Employment Lawyers Association
- Consumer Attorneys of San Diego
- San Diego Defense Lawyers Association
- Society for Human Resource Management
- Lawyers Club of San Diego
- American Bar Association
- International Association of Lawyers (UIA)
- Former Board Member and Current Advisory Board Member of The Jacobs & Cushman San Diego Food Bank
- American Diabetes Association Attorney Advocacy Network
- American Cancer Society Cancer Action Network
- Center for International Legal Studies (CILS) - Senior Lawyer in Salzburg, Austria - Senior Instructor of American Law, Arbitration and Mediation (taught in Latvia, Hungary, Poland, and Austria)
- Former Member San Diego Superior Court Alternative Dispute Resolution (ADR) Committee

AWARDS:

- *Southern California Super Lawyers* (2007 – 2025)
- Voted One of the *Best Lawyers in America and San Diego*, San Diego Magazine (2008 – 2024)
- Top 50 *Super Lawyer* in all practice areas for San Diego (2007, 2009, 2014, 2016, 2017, 2023)
- *Lawyer of the Year*, Labor Law-Management in (2022)
- *Lawyer of the Year*, Employment Law-Individuals (2020)
- *Top 100 Labor & Employment Lawyers* in the State of California, American Society of Legal Advocates (2018)
- *Best of the Bar*, San Diego Business Journal (2016)
- *10 Best Client Satisfaction in the Labor and Employment Division*, American Institute of Legal Counsel (2016)
- *Top 10 Employment Lawyers in San Diego* by fellow employment lawyers (2005 - 2008, 2012, 2014, 2015, after which the award was discontinued)
- Top 10 *Super Lawyer* in all practice areas for San Diego (2015)
- Elected to the College of Labor and Employment Lawyers in 2015
- *Top Lawyers*, Corporate Counsel Magazine Annual Guide to Labor & Employment Law (2008)

HOBBIES & INTERESTS:

Harvey enjoys spending time with his grandchildren and family, Cross-Fit workouts, hiking, and skiing.

PRESS:

Print and television coverage for Harvey's representation of former Mayor Bob Filner is voluminous. One representative article includes: "Filner's Defense Led by Top Notch Lawyer"

<https://www.sandiegouniontribune.com/2013/07/28/filners-defense-led-by-top-notch-lawyer/> San Diego Union Tribune, by Davis, Kristina, September 5, 2016

To schedule a mediation, please contact Veronica Montenegro at 619-238-2400 x259 or vmontenegro@westcoastresolution.com or email Harvey at hberger@westcoastresolution.com.