



BILL SHAEFFER

Partner

Government and Regulatory

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George W. (“Bill”) Shaeffer, Jr. primarily specializes in representing all types of public agencies, community college districts, school districts, school administrators and other private and public sector management employees throughout California. Bill has specialized in employment, public sector pension and education law and litigation during the entire time he has practiced law. He has extensive litigation experience in most areas involving employment law, public sector pension law and many areas of education law. Bill has briefed and argued many cases in the state and federal appellate courts. He has briefed and argued 2 cases in the California Supreme Court, 1 case before a 15 judge en banc panel of the Ninth Circuit, Court of Appeals, in San Francisco, 9 other published opinions in the Ninth Circuit, 3 unpublished cases in the Ninth Circuit, 6 published cases in the California Court of Appeal, and more than 25 unpublished or depublished cases in the California Court of Appeal. Bill has also briefed 6 cases in the United States Supreme Court involving petitions, cross petitioners or oppositions to petitions for Writs of Certiorari arising out of 4 published decisions in the Ninth Circuit and 1 California Court of Appeal.

The issues involved in the published and unpublished appellate court opinions involve a wide range of employment, education and local government matters. Bill has briefed and argued cases in the California Courts of Appeal located in Los Angeles, Santa Ana, San Diego, the former San Bernardino Division, Fresno and San Francisco. He also briefed cases in the California Court of Appeal in San Jose.

He has extensive litigation and trial experience in 18 counties of California, all 4 judicial districts of the United States District Courts in California, and 1 case transferred from the Central District of California that went to trial in the United States District Court for the District of Columbia. Bill has successfully tried to Federal and State juries or the Court civil actions involving the principal federal employment law statutes, federal constitution claims, and many state statutory and common law employment claims on behalf of local public sector entities, 2 state agencies, individual local public or state employees or local public official

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Bar & Court Admissions

- State Bar of California, 1975
- U.S. Supreme Court
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Federal Circuit
- U.S. District Court for the Central, Eastern, Northern and Southern Districts of

defendants, individual plaintiffs and classes of plaintiffs. He has successfully tried to a jury approximately 15 separate federal jury trials, and 2 separate state court jury trials (1 civil and 1 criminal), without ever losing a jury verdict. He also has tried to the Court in bench trials 9 other separate employment matters in either state or federal court.

Bill has consulted and advised public sector and private sector entities and institutions in a wide range of employment, governance, public pension and educational law related matters in his current or former capacity as attorney for various cities, water districts, transit districts, special districts, community college districts, K-12 merit and non-merit school districts, two county offices of education, K-12 and community college district administrators, and public and private sector managers and executives.

He has extensive experience in the following areas: PERB, (unit modifications, recognition petitions, and Unfair Practice Charges), NLRB (unit modification hearings and unfair labor practices), collective bargaining public (very large cities, transit districts, water districts, community colleges and K-12 school districts) and private sector companies, CalPERS and CalSTRS (from audits through Appellate Court argument), 37' Act retirement issues, dismissal and discipline proceedings, OAH hearings in a wide range of areas, grievance processing, mediation and arbitration proceedings and litigation (state and federal), State Personnel Board whistle blower complaints, FLSA, investigation of alleged employee misconduct and discrimination complaints involving the EEOC, OCR, and FEHA, FCMAT audits, federal and state voting rights disputes, School Board and Community College Board, and local public agency governance issues, including extensive litigation experience in the areas of compliance with the Ralph M. Brown Act, the Fair Political Practices Act, the Public Records Act, conversion of School District governing board elections from at large to district based, and employment contract negotiations and terminations for private and public sector entities, managers and executives.

Prior to joining Rutan in June of 2012, Mr. Shaeffer was partner for 17 years at Breon & Shaeffer and a partner and associate in Silver, Shaeffer & Hadden, and its prior iterations, for almost 20 years.

Published Opinions Argued and Briefed

California Supreme Court

Fontana Unified School District v. Burman (1988) 45 Ca1.3d 208 (statutory powers of administrative body under Ed. Code §44944 in assessing penalty when reviewing circumstances of discharge of school principal for dishonesty, and in which attorney fees were awarded pursuant to Ed. Code §44944(e)).

People ex rel. Seal Beach Police Officers' Association v. City of Seal Beach (1984) 36 Ca1.3d 591 (challenge to City Charter amendments as violative of the Meyers-Millias Brown Act, Government Code §3500, et seq. and in which attorney fees were awarded pursuant to C.C.P. §1021.5).

California

- California State Courts

Education

- Southwestern University School of Law (J.D., 1975)
- University of California, Los Angeles (B.A., 1972)

Ninth Circuit, U.S. Court of Appeals

Padilla v. Lever, 463 F.3d 1046 (9th Cir.2006) (15 judge *en banc* panel to resolve multiple circuit split) (application of minority language requirements of Voting Rights Act, 42 U.S.C. §1937aa - 1a(c), to recall petitions against Santa Ana Unified School District board member).

Bernstein v. Lopez, 321 F.3d 903 (9th Cir.2003) (interlocutory appeal from denial of qualified immunity in section 1983 claim by 15 former school district principals that their Fourteenth Amendment due process rights were violated). (Case settled for approximately \$1.8 million after issuance of writ by superior court on state law claims.)

Meek v. County of Riverside, 183 F.3d 962 (9th Cir. 1999) cert. denied, 120 S.Ct. 499 (interlocutory appeal from denial of absolute political loyalty immunity and absolute judicial immunity in a First Amendment case involving the termination of an unsuccessful candidate for a judicial office).

Carr v. Pacific Maritime Association, 904 F.2d 1313 (9th Cir. 1990) cert. denied, 111 S.Ct. 957 (hybrid section 301 breach of collective bargaining agreement and breach of duty of fair representation action by a large class of unsuccessful applicants for longshoreman pursuant to the N.L.R.A., 29 U.S.C. §185).

Thomas v. Carpenter, 881 F.2d 828 (9th Cir. 1989) cert. denied, 110 S.Ct. 3236 and 110 S.Ct 1475 (interlocutory appeal in First Amendment challenge under 42 U.S.C. §1983 involving retaliation by County Sheriff against a sheriff lieutenant who unsuccessfully challenged Sheriff in an election)(obtained summary judgment upon remand).

Manhattan Beach Police Officers' Association v. City of Manhattan Beach, 881 F.2d 816 (9th Cir.1989) (interlocutory appeal on qualified immunity defense in First Amendment challenge under 42 U.S.C. §1983 involving retaliation claims by public employees as a result of statements to the press and letters to the editor regarding matters of public concern) (obtained unanimous jury verdict upon remand).

Sepulveda v. Pacific Maritime Association, 878 F.2d 1137 (9th Cir. 1989) cert. denied, 110 S.Ct. 561 (section 301 breach of collective bargaining action by class of unsuccessful applicants for foreman of longshoremen pursuant to N.L.R.A., 29 U.S.C. §185).

Kirk v. Rockwell International Corp., 578 F.2d 814 (9th Cir. 1978) cert. denied, 99 S.Ct. 616, (expedited appeal) (equitable tolling of limitation period during exhaustion of EEOC investigation) (wrote brief only).

California Courts of Appeal

Marquez v. City of Long Beach (2019) 32 Cal. App. 5th 552 (Application of state of minimum wage law to Charter City as a matter or statewide concern).

Orange County Water District v. Public Employee Relations Board (2017) 8

Cal.App. 5th 52 (challenge to Agency Shop arrangement applying only to new hires as violating the First Amendment and Govt. Code §3502.5). (Note: In *Janus v. AFSCME*, 138 S. Ct. 2448 (2018), the U.S. Supreme Court held agency shops violate the First Amendment.)

California School Employees' Ass'n v. Bonita Unified School District (2008) 163 Cal.App.4th 387 (district's governing board did not have the authority to vacate an arbitration award and was required to comply with the remedial portion of the award pursuant to the provisions of Ed. Code §§45113(b) & (e)).

Roybal v. Governing Board of Salinas City Elementary School Disl. (2008) 159 Cal.App.4th 1143 (union not entitled to recover Private Attorney General fees under C.C.P. §1021.5 in successful writ of mandate to set aside a layoff of three teachers) (wrote brief only).

Fresno Police Officers' Association v. State of California, (1987) 190 Cal.App.3d 413, cert. denied, 108 S.Ct. 495 (White, J., voting to grant Certiorari) (inverse condemnation action by large class of public employee associations and individual public employees throughout the State of California claiming a state statute violated the Fifth Amendment by impairment of contractual obligations).

Braun v. City of Taft (1984) 154 Cal.App.3d 332 (seminal case interpreting personnel file exception in challenge to city council member's censure as a result of disclosure of information in employee's personnel file under California Public Records Act, Government Code §6250, et. seq.).

U.S. District Court

Klock v. Cain, 813 F.Supp. 1430 (C.D.Ca. 1993) (In defense of local police officer, post hung civil jury ruling on qualified immunity defense involving police officer's transportation of civilian to outside city's boundaries.)

Vasquez v. City of Bell Gardens, 938 F. Supp. 1487 (C.D. Ca. 1996) (denial of summary judgment on City Manager's first amendment claims that he was terminated for protected speech concerning alleged wrongdoing and abuse of power by defendants.)

Schindler v. Big Bear Airport District, 2004 U.S. Dist. LEXIS 31638 (C.D.Ca. 2004) (pre-trial motion rulings on First Amendment retaliation and sex harassment claims.)

Peterson v. Johnson, 2018 U.S. Dist. LEXIS 114759 (C.D. CA. 2018) (Successful grants of summary judgement and motions to dismiss claims by peace officer alleging violations of federal and state constitutional Due Process, First Amendment, and POBRA).

Memberships & Associations

Orange County Bar Association

