



BRIAN SINCLAIR

Partner
Employment

Orange County
(714) 641-3430
BSinclair@rutan.com

Brian Sinclair has successfully represented clients in a variety of complex employment litigation matters in both federal and state court, including individual and class action wage and hour claims; misappropriation of trade secrets and unfair competition disputes; and retaliation, discrimination, and harassment claims.

Brian also represents employers before state and federal administrative agencies, including the California Department of Fair Employment and Housing, the federal Equal Employment Opportunity Commission, and the Division of Labor Standards Enforcement. His practice also includes counseling businesses regarding all aspects of the employer-employee relationship, including wage and hour compliance, discipline and terminations, accommodating disabilities, managing leaves of absence, and developing and implementing personnel policies.

Brian is a co-author and the former Chief Editor of the California Guide To Employee Handbooks And Personnel Policy Manuals, published by Matthew Bender. In addition, he is an update author of the "Discipline and Termination" and "Hiring Guidelines and Pitfalls" chapters of *Advising California Employers and Employees* (C.E.B. 2006, 2008, 2009), a book published by the California Continuing Education Of The Bar.

He regularly lectures before employer groups and conducts in-house training workshops regarding compliance with California and federal employment laws including workshops on managing employees, sexual harassment, employment discrimination, wrongful termination, and federal and state family leave and disability laws. Brian has also conducted numerous seminars to attorney groups including presentations entitled *Litigating Wage and Hour Class Actions* for the National Business Institute; *Class Actions and UCL Conference* for Bridgeport Continuing Legal Education; *Workers Say, "Show Me The Money": Litigating Wage and Hour Class Actions* for the Labor & Employment Law Section of the Orange County Bar Association; and *Noncompete Agreements and Other Post-Employment Restraints in California: What Now?* for the

Related Services

- [Employment](#)
- [Employee Handbooks and Transactional Documents](#)
- [Employment Litigation and Government Agency Proceedings](#)
- [Unfair Competition and Class Action Defense Group](#)
- [Wage and Hour Litigation](#)
- [COVID-19 Resources](#)

Bar & Court Admissions

- State Bar of California, 1995
- U.S. District Courts for the Central, Eastern, Northern and Southern Districts of California
- U.S. Court of Appeals for the Ninth Circuit

Education

- University of California, Davis, School of Law (J.D., 1995)
- Articles Editor of U.C. Davis

Practicing Law Institute.

Brian has repeatedly been selected as a Southern California "Super Lawyer," an honor bestowed upon 5% of the Los Angeles/Orange County Bar as chosen by peers and the independent research of Law & Politics Magazine.

Law Review

- Order of the Coif University of California, Los Angeles (B.A., 1992), Business/Economics

Speaking Engagements

- *Employment Lessons Learned the Hard Way*, MCLE In-House Series, April 2015
- *Mid-Year Wage & Hour Litigation & Management Update*, Bridgeport Continuing Education, June 2012
- *Common Wage & Hour Pitfalls: Best Practices to Keep Your Company Out of Legal Trouble*, Association of Corporate Counsel America, September 2011
- *Mid-Year Wage & Hour Litigation Conference, 2010*
- *Class Actions and UCL Conference, Bridgeport Continuing Legal Education, 2008*
- *Litigating Wage and Hour Class Actions*, National Business Institute, 2005
- *Employee Handbooks In California: Drafting And Enforcing Sound Procedures And Policies*, National Business Institute, 2004
- *Workers Say, "Show Me The Money": Litigating Wage And Hour Class Actions*, Orange County Bar Association, Labor & Employment Law Section, 2004
- *How To Conduct An Internal Investigation*, Council On Education Management, 1999
- *Managing Disability, Leave and Absence Issues Under Workers' Comp., FMLA, ADA, And Related Laws*, Council On Education Management, 1995

Publications

- *Judicial Paternalism and the Wage Class Action*, Los Angeles Daily Journal, April 2012
- *Hiring Guidelines and Pitfalls*, Advising California Employers and Employees, CEB 2006, 2008, 2010, and 2011), Chapter Update Author
- *Discipline and Termination*, Advising California Employers and Employees (CEB 2006, 2008, and 2010), Chapter Update Author
- *Driving Under The Influence of a Cell Phone: Can Employers Be Liable?*, Association of Legal Administrators, Orange County Chapter, April 2007
- *Are Paralegals Exempt Under The FLSA's New FairPay Overtime Rules?*, Association of Legal Administrators, Orange County Chapter, November 2004
- *Constructive Termination Claims: What Are They And What Can You Do To Avoid Them?*, Association of Legal Administrators, Orange County Chapter, July 2004
- *Are Bounty Hunters Coming For You?*, Orange County Business Journal, June 2004

Awards & Honors

- Best Lawyers in America, 2019-2020



- Top Labor & Employment Lawyers in California, Daily Journal, 2016
- Top 100 Most Powerful Attorneys List, Human Resource Executive Magazine, 2012-2017
- Southern California "Super Lawyers" Business Edition, 2012
- Southern California "Super Lawyers", 2009-2011, 2014-2020
- Southern California "Super Lawyers" Corporate Counsel Edition, 2010
- Southern California "Rising Star", 2005-2006

Memberships & Associations

- State Bar of California
- Orange County Bar Association (Labor and Employment Law Section)
- American Bar Association (Labor and Employment Law and Litigation Sections)
- Board of Governors, Association of Business Trial Lawyers, Orange County Chapter