



EDSON MCCLELLAN

Partner
Employment

Orange County
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Edson McClellan has over 20 years of experience representing companies in high-stakes civil litigation and employment matters. He has significant experience in cases involving theft of company trade secrets, employee raiding, noncompetition agreements, breach of fiduciary duty, and contract disputes. Edson's practice also involves all areas of employment law, including counseling and litigation. He is an accomplished trial attorney, with victories in cases involving claims for discrimination, retaliation, and wage-and-hour, among others. He is the former Chair of the Firm's Employment Department and currently serves on Rutan & Tuckers three-person Executive Committee.

Edson regularly counsels employers on a variety of topics including terminations, wage-and-hour issues, employment agreements, leaves of absence, and accommodating disabilities. He has represented employers in lawsuits by individuals and class actions involving claims for unpaid wages, discrimination, harassment, retaliation, and wrongful termination. He regularly litigates in both federal and state court and before various administrative agencies. In addition, Edson defends retailers, restaurants, and other places of public accommodation in lawsuits alleging disability access violations under the ADA and California law.

He has substantial experience conducting workplace investigations, including investigations involving allegations of workplace misconduct, harassment, retaliation, and other matters. In addition, Edson represents executives in compensation negotiations and disputes.

Edson is a frequent speaker on employment matters to professional groups, attorneys, and managers. He has authored several articles in local publications and law reviews, including the San Diego Law Review, the Southwestern Law Review, and the University of West Los Angeles Law Review.

Related Services

- Employment
- Employee Handbooks and Transactional Documents
- Employment Litigation and Government Agency Proceedings
- Employment Practices Counseling
- Business and Commercial Litigation

Related Industries

- Apparel, Retail and Consumer Products
- Food and Beverage

Bar & Court Admissions

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

Representative Matters/Cases

- Lead counsel for real estate company and supermarket defendants in two-week bench trial in Orange County Superior Court. Obtained a complete defense verdict on all 11 causes of action, including claims for wrongful termination, unpaid wages, and wrongful eviction.
- Lead counsel for import service company in bench trial in U.S. District Court, Central District of California. Obtained complete defense verdict on all seven of the plaintiff's claims for relief, including claims for age discrimination and wrongful termination.
- Lead counsel for national education services firm in two-week jury trial in U.S. District Court, Central District of California. Plaintiff alleged disability discrimination and wrongful termination. After jury deadlocked resulting in mistrial, the case settled for a small fraction of plaintiff's pre-trial demand.
- Lead counsel for defendant medical partnership in arbitration before AAA involving claims for breach of contract and breach of fiduciary duty. Plaintiff physician's last demand before arbitration was \$1.1 million. After the fourth day of arbitration, plaintiff dismissed his case in return for a walk-away settlement.
- Following a two-week bench trial in Orange County Superior Court, prevailed on cross-claim against client's former president and obtained a defense verdict on wrongful termination claim, resulting in a \$1.18 million net verdict for client.
- Lead counsel for defendants in trade secret litigation regarding alleged misappropriation of the source code of plaintiff's software. After obtaining dismissal of several of the plaintiff's claims, and after obtaining a key discovery ruling, the case resolved on favorable terms for defendants before trial.
- Lead counsel in defense of claims by a national printing company against a competitor for intentional interference, unfair competition, and other business torts. Defendants obtained summary adjudication in their favor on the key issue in the case, and the case settled shortly thereafter on favorable terms to defendants.
- Represented temporary employment agency in wage-and-hour class action alleging missed meal breaks, unpaid wages, and Labor Code violations. Successfully opposed Plaintiffs' motion for class certification, which was denied in its entirety.
- Represented geological company against a competitor in week-long arbitration in Reno, Nevada in case involving claims for breach of contract and trade secret misappropriation. Received arbitration award in our client's favor for \$2 million-plus and dismissal of the competitor's claims.
- Defended municipality in two related labor arbitrations and obtained decisions in favor of the municipality in both arbitrations, on all issues.
- Represented terminated senior executive in state court action involving claim for breach of executive employment agreement. Case eventually settled for over 20 times defendant's last pre-litigation offer.

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Education

- University of San Diego School of Law (J.D., 1998), magna cum laude, Order of the Coif
- University of Pennsylvania (B.A., 1992), cum laude

Recent Speaking Engagements

- *Pandemic Predicament: Laying Off a Key Witness?*, Webinar for Association of Corporate Counsel, May 2020.
- *Important Updates to California's Labor and Employment Laws*, Association of California Recycling Industries, February 2018
- *The ABCs of Non-Compete and Non-Solicitation Agreements*, CPA Study Group, June 2017
- *Rutan & Tuckers Annual Employment and Labor Law Seminar*, February 2016
- *What Employees Need to Know About Social Media and More*, Securitas Security Services USA, Inc., March 2014
- *The Intersection of Wellness Programs and Employment Laws*, Lorman Education Seminars, April 2013
- *Five Risk Areas That Can Cost Employers Big Bucks*, Goodwill Industries of Orange County, January 2013
- *Drafting and Responding to an Employment Law Complaint*, OCBA Labor & Employment Section's "Employment Law Practitioner's Toolkit Seminar," May 2012
- *Practical Tips for Negotiating Executive Employment Agreements*, C-Level Partners, May 2012
- *Government Crackdown on Improper Work Classification*, Fashion Institute Human Resources Association, October 2011
- *New Developments In Employment Law*, Chapman Law School, March 2011
- *The Attorney-Client Privilege and Corporate Counsel*, CareFusion, November 2010

Recent Publications

- *"Pandemic Predicament: Laying off a key witness?"* Daily Journal, April 2020
- *"Let's Arbitrate - Or Not: Advantages and Disadvantages of Employment Arbitration,"* Orange County Business Journal, October 2015
- *"No Sexual Desire Required: New Law Amends The Definition of Sexual Harassment,"* Orange County Business Journal, December 2013
- *"New Law Requires Employee Commission Agreements To Be In Writing,"* Orange County Business Journal, December 2012

Awards & Honors

- Southern California Super Lawyers "Rising Star" 2008
- Best Lawyers in America, 2021-2024



- Member Board of Directors of Charitable Ventures of Orange County
- Orange County Bar Association

- Member Board of Directors of Friendship Shelter, Inc.; Chair of Audit Committee
- San Clemente Surf Soccer Club, Past President
- University of San Diego School of Law Alumni Association, Orange County Chapter, Member of Board of Directors

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