

MESSING ADAM & JASMINE

GARY M. MESSING

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Before starting Messing Adam & Jasmine LLP with his partners Gregg Adam and Jason Jasmine in 2015, Gary was a partner with Carroll Burdick & McDonough LLP in the Public Sector Labor Group. He joined Carroll Burdick in 1976, opened the Sacramento branch office for Carroll Burdick in 1980, and became managing partner of that office in 1984.

In 2014, Gary was elected as a Fellow to the prestigious national College of Labor and Employment Lawyers, of which he is the only union lawyer and one of only six labor and employment lawyers in Northern California – outside of the Bay Area – to be included. In 2018, he was first named as one of the top 500 plaintiff's employment lawyers in the United States by Lawdragon, an agency that has been ranking attorneys in the U.S. for over a decade. Also in 2018, Gary was honored as a Centennial Fellow by the Sacramento County Bar Foundation as part of the Sacramento County Bar Association's 100-year anniversary centennial celebrations. Gary was one of only eleven attorneys recognized for this first-time distinction awarded to "attorneys at the pinnacle of achievement who, through distinguished professional accomplishment, substantial civic involvement and philanthropy, have earned a legacy as founding pillars of the Sacramento legal community." In 2019, Gary was selected "Best of the Bar" for 2019 by his peers and the Sacramento Business Journal.

Gary has acted as chief negotiator for large California state associations with bargaining units consisting of up to seven thousand members, and he is chief negotiator for numerous other local public safety and miscellaneous organizations.

He was lead counsel for *Shoemaker v. Myers* and *White v. Davis*, which resulted in landmark California Supreme Court decisions and has litigated matters in the United States Supreme Court.

Gary is responsible for numerous precedent-setting Fair Labor Standards Act cases against the State of California and other public employers, including the "IOU" case.

Gary has handled important appellate cases dealing with peace officers, Peace Officers Bill of Rights Act, firefighters, and other public employees.

EDUCATION

Columbia University, J.D. 1976

Amherst College, B.A. 1973

AFFILIATIONS & MEMBERSHIPS

American Bar Association, Member of the Committee on State and Local Bargaining, Section of Labor and Employment Law (1988 to present)

American Bar Association, National Union and Employee Co-chair of the Committee on State and Local Bargaining, Section of Labor and Employment Law (2015-2018)

American Bar Association Member Webinar Committee (2018 to present)

American Bar Association Section on Labor and Employment Law Webinar Committee, Union and Employee Vice-Chair (2018 to 2020) and Co-Chair (2020 to present)

Sacramento County Bar Association (Executive Committee; Labor and Employment Section, 1993-1999; Chair, 1997-1998)

State Bar of California

PROFESSIONAL DISTINCTIONS

Named "Best of the Bar" by peers and the Sacramento Business Journal in 2019

Elected as Fellow of the American Bar Foundation in 2017

Public Sector Labor Law Attorney of the Year in California, Global Law Experts 2015

Corporate Livewire Global Award Winner 2015, Labor & Employment

Corporate INTL Global Award as Public Sector Employment Attorney of the Year in California for 2014 by Corporate INTL Magazine

Top Rated Lawyer in Labor & Employment by American Law Media, 2013

Top Rated Labor and Employment Lawyer in the Greater Sacramento Area by AVVO Ratings

Martindale Hubbell Peer Review Rated AV[®] Preeminent

Listed as a Northern California Super Lawyer by Super Lawyers (2004 and 2006-2023)

Listed for many years in: Best Lawyers in America, Best of the U.S., and Sacramento Business Journal's Best Lawyers

Fellow, the national College of Labor and Employment Lawyers

Named by Lawdragon as one of the 500 Leading Plaintiff Employment Lawyers (2018-2020) and one of the 500 Leading Plaintiff Employment & Civil Rights Lawyers (2021-2023) in the United States

Honored as a Centennial Fellow by the Sacramento County Bar Foundation

PRESENTATIONS

Panelist, "Nuts and Bolts of Collective Bargaining in the Public Sector," California State Bar Association's 22nd Annual Public Sector Conference (April 2016)

Panelist, "Impact of Pension Problems on Collective Bargaining," American Bar Association, Labor & Employment Section Conference, Seattle (November 2, 2011)

Panelist, "The Future of Public Sector Pensions," Labor & Employment Section of the California State Bar Association's 17th Annual Public Sector Conference (May 2011)

PUBLICATIONS

Co-author with David L. Kruckenberg, "The State Must Provide Employees Due Process in the Accounts Receivable Process," *The CAL FIRE Local 2881 Fire Front* (Spring 2022)

Co-author with Matthew Taylor, "Danger: Personal Communications at Work Are Not Private," *PORAC Law Enforcement News* (March 2022)

Co-author with Matthew Taylor, "U.S. Supreme Court Overturns Former Police Officer's Conviction for Misuse of Computerized Law Enforcement Records," *PORAC Law Enforcement News* (December 2021)

Co-author with Jason H Jasmine, "CAL FIRE Local 2881 Win Confirms Once Again that Its Firefighters Own Their Shifts," *The CAL FIRE Local 2881 Fire Front* (Winter 2021)

Co-author with James W. Henderson Jr., "Religious Exemptions to Employer Mandatory Vaccination Programs," *PORAC Law Enforcement News* (October 2021)

Co-author with Matthew Taylor, "Legal Watch: Massive Amounts of Compulsory Overtime Create Unsafe Working Conditions at CAL FIRE," *The CAL FIRE Local 2881 Fire Front* (Summer 2021)

"Bargaining With the State—A Simple Primer," *The CAL FIRE Local 2881 Fire Front* (Spring 2021)

Co-author with Lina Balciunas Cockrell, "Court of Appeal Reverses Disciplinary 'Do-Over,' Curbs Agency Ad Hoc Rulemaking in Published Opinion," *PORAC Law Enforcement News* (February 2021)

Co-Author with Lina Balciunas Cockrell "Legal Watch: Court of Appeal Reverses CAL FIRE Disciplinary "Do-Over," Curbs State Personnel Board Ad Hoc Rulemaking in Published Opinion," *The CAL FIRE Local 2881 Fire Front* (Winter 2020)

Co-author with Wendi Berkowitz, "Sacramento Court Refuses to Allow Public Access to CalPERS Retirees' Disability Information," *PORAC Law Enforcement News* (December 2019)

Co-author with Matthew Taylor, "Relying Upon the MOU's Entire Agreement Clause Local 2881 Reverses RRU's Change in Overtime Policy," *The CAL FIRE Local 2881 Fire Front* (Fall 2019)

Co-author with Matthew Taylor, "PERB Recognizes Expanded Rights to Representation Beyond 'Investigatory' Interviews," *The CAL FIRE Local 2881 Fire Front* (Summer 2019)

Co-author with Gregg Adam and Yonatan Moskowitz, "CAL FIRE Arguments Launch Battle Over Future of California Pension Law," *PORAC Law Enforcement News* (January 2019)

Co-author with Jim Henderson, "Ninth Circuit Makes Collective FLSA Wage and Hour Actions Easier," *PORAC Law Enforcement News* (December 2018)

Co-author with Gregg Adam and Yonatan Moskowitz, "*Janus v. AFSCME*: Taking Their Best Shot and Still Standing," *PORAC Law Enforcement News* (August 2018)

Co-author with Gregg Adam and Yonatan Moskowitz, "PORAC Files Amicus Brief in Supreme Court Case on 'Fair Share Fees,'" *PORAC Law Enforcement News* (March 2018)

Co-author with Gregg Adam, "Unions Can Still Charge Fair Share Fees for Now," *PORAC Law Enforcement News* (May 2016)

Co-author with Gregg Adam, "PORAC and LDF Lead Coalition to Preserve Union's Right to Collect Agency Fees from Nonmembers," *PORAC Law Enforcement News* (January 2016)

Co-author with Jennifer Stoughton and Amber Griffiths, "Agency Fees Under Attack on Two Fronts," *PORAC Law Enforcement News* (April 2013)

Co-author with Gregg Adam, "Impasse Resolution Procedures Mandated for Collective Bargaining," *PORAC Law Enforcement News* (January 2012)

Co-author with Brian Parino, "Arbitrator Rules Yolo Court Deputies May Schedule Days Off at Their Discretion," *PORAC Law Enforcement News* (August 2011)

Co-author with Jason Jasmine, "Victory for Public Employees in Orange County Retirement Case," *PORAC Law Enforcement News* (June 2011)

Author, "Status of Donning and Doffing Cases," *Laboris Legis*, the newsletter of the Sacramento County Bar Association, Labor & Employment Section (October 2010)

Co-author with Jason H Jasmine, "High Court decides *Spielbauer* (Reaffirms 40 years of precedent regarding internal investigations)," *PORAC Law Enforcement News* (March 2009)

Co-author with Jason H Jasmine, "Will court stop loss of rights (LDF supports a Petition for Review of *Pitchess* Motion case)," *PORAC Law Enforcement News* (August 2008)

Co-author with Jason H Jasmine, "Examining the case of the suspended suspension," *PORAC Law Enforcement News* (June 2007)

Contributor, "Pocket Guide to the Fair Labor Standards Act," *California Public Employee Relations Program*, Institute of Industrial Relations, University of California, Berkeley (January 2000).

Co-author, "FLSA in the Public Sector – Controversy of Policy and Politics," *The Labor and Employment Law Quarterly*, State Bar of California (Spring 1992) and *California Public Employee Relations Journal*, No. 94 (June 1992)

Contributing author to *The Labor Beat*, Messing Adam's periodic publication and alerts highlighting topics germane to public sector labor employees