



James McMullen

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RELATED SERVICES

- Employment
- Labor
- Antitrust
- Employee Benefits & Executive Compensation
- Maritime
- Aviation
- Unfair Competition
- Trial Practice

OFFICES

- San Diego
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OVERVIEW

Jim McMullen is a Partner in the San Diego, Orange County, and Los Angeles offices of GRSM. For nine years, Jim led the firm's Labor & Employment (L&E) practice group in Southern California, building the group into the robust group it is today. He now serves in other management roles and is the coordinator of the NLRB, OSHA, and Cal-OSHA practice groups at GRSM. Jim has successfully handled NLRB, OSHA, and DOL proceedings for national clients throughout the United States.

He often assists in the L&E aspects of due diligence periods for M&A purposes and assists with employer audits of various types. He has coordinated the L&E issues during M&A-related transactions, including

review of Labor Agreements, Employment Agreements, and all Employer P&P and payroll practices. He also consults regarding bargaining unit mergers and unit acquisition issues in the M&A area of practice. He also coordinates bridge D&O and EPL coverage and has litigated M&A-related employment disputes before Labor Arbitrators, AAA Arbitrators, and in courts. The groups GRSM assembles to accomplish these types of tasks include attorneys from the various states whose laws may be implicated, handbook and various enforcement and compliance specialists, as well as transactional ERISA lawyers.

Jim is a nationally recognized trial lawyer in all areas of employment law, in addition to litigating significant and complex non-employment matters. He has been featured in national television and press, and his experience as a jury trial attorney has been verified by and has led to his admission to the ranks of the American Board of Trial Advocates (ABOTA). He represents a wide range of clients in the maritime, transportation, manufacturing, high-tech, and construction industries. In addition to his litigation and agency practice, Jim assists employers with various types of compliance programs. He routinely develops employee relations strategies for specialized industries and coordinates the implementation, administration, and review of such strategies. He also has provided WARN and reduction-in-force counseling to various national and international clients.

Prior to joining GRSM, he was a senior shareholder at a large firm where he assisted clients in many locations along the West Coast and Pacific Rim with employee-related matters for more than 15 years. There, he developed experience in a wide range of employment and labor law issues with a special focus on jurisdictional questions and disputes. Before joining that firm, Jim was with general practice firms where he focused on the maritime, transportation, construction, and insurance industries. He has also worked in the research, real estate, construction, security, and semiconductor industries. He holds a California Real Estate license. Additionally, Jim is a licensed pilot and has tried several aviation-related cases. He has served as a Judge Pro-Tem and a State and County Bar Fee Arbitrator.

Jim is an inventor and holder of patents, a private pilot, boater, skier, surfer, boarder, horseman, and cyclist.

REPRESENTATIVE EXPERIENCE

Labor Negotiation and Litigation

- Jim routinely represents management before the NLRB and in negotiations. He has obtained favorable decisions resulting in injunctive relief and has successfully assisted employers in securing a favorable CBA and in securing a safe hospitable workplace during fair organizing drives and fair NLRB election. Of course, Jim has also assisted management in avoiding demonstrations and other disruptive activity.

Trial Experience

- Jim has defended employers and corporate clients in more than 50 civil jury trials, including complex multi-party lawsuits and class actions, handling many precedent-setting cases, including several cases before the various courts of appeal and the U.S. Supreme Court. In addition to his jury trial work, he has tried a number of cases in which either a jury was waived or in which no right to a jury trial existed. On many occasions and under various circumstances, Jim has also obtained injunctions on behalf of employers and other clients to control the behavior of employees, former employees, and other persons and entities. He also has a substantial track record of obtaining dismissals of civil actions including representative and class actions and avoiding certification of any classes in representative litigation (class actions).

Recent Civil Trials and Litigation

- Trial of wage and hour class action on behalf of large agency of the State of California. Defense verdict essentially finding complete compliance with the Fair Labor Standards Act.
- Many dismissals, early settlements, and other successful resolutions of wage and hour class actions (consumer class actions) and civil actions by the DOL and DLSE.
- Trial on behalf of the world's largest dairy co-op that received national television coverage as the largest race discrimination case in the United States. Victory for his client in a bet-the-company case. The jury was unable to reach a verdict after a four-month trial.
- Defense verdict in National Origin Citizenship Discrimination case with allegations of employees.
- \$35,000 verdict in retaliation case, no attorneys fees awarded.
- Defense verdict in sexual harassment case.
- Defense verdict in Jones Act Seaman case.
- Numerous other defense verdicts.

Administrative Trials

- Tried in excess of 100 administrative trials including federal and state ALJ trials, administrative hearings, U.S. Coast Guard hearings, and labor and employment arbitration hearings. Jim has handled ALJ trials before the NLRB, the United States Department of Labor, the United States Department of Occupational Safety and Health Review Commission, the California Occupational Safety and Health Appeals Board, the United States Coast Guard, the California Labor Commissioner, and the California Workers' Compensation Appeals Board.

- The results of these hearings involve determinations of NLRB ULP and R cases, wage and hour cases, OSHA violations; industrial injury exposure, entitlement to variances, employee terminations, union representation rights, construction of collective bargaining agreements, and discrimination and retaliation. Examples of the results of these hearings include:
 - Upholding terminations;
 - Disciplinary leaves (no back pay);
 - Determination by National Labor Relations Board that longshore union does not have the exclusive right to handle commodities off of vessels and barges in bay;
 - Determination that ESPN X Games may erect ramps without seeking engineering permits for each platform;
 - Determination that employers can seek a third doctor's opinion when employee and employer's doctors disagree regarding a return to work;
 - Determination of U.S. Coast Guard OSHA or Cal-OSHA jurisdiction for gangway injury;
 - Determination that employees may use bridge plates to cross between rail cars without railings;
 - Successful determination that shoreside cranes loading and discharging materials from vessels at dock are exclusively California OSHA jurisdiction.

Clients

- Clients in trials include Alum Systems, American Airlines, American Computer, APL, Cabrillo Hoist, California Dairies, Caribbean Fishing, CEMEX, Cementos Progreso, Computer Systems Repair, Delta Steamship Lines, Eagle Marine Services, ESPN X-Games, General Construction, Griffith Company, Harbor Industrial, ICDC College, ITS, M-K Pomeroy, NASSCO Pacific Ship Repair and Fabrication, Pan Pacific Fisheries, California Home Brands, RPM, Shippers Transport Express, Southwest Marine, SSA Marine, Toyota, Valverde Construction and Agencies of the State of California including District Agricultural Associations, and the Port of Los Angeles.

PUBLICATIONS

- Jim has authored and co-authored chapters of the *National Employer* and has written articles on both compliance and litigation matters.

PRESENTATIONS

- Jim has spoken at more than 100 seminars and educational programs and assists in the design of contracts, training programs, and materials, including but not limited to Littler as Authority on Maritime Employment Law, Lorman, Sterling, AGC, SFMU, and Pacific Admiralty education seminars.

CREDENTIALS

Admissions

- California

Memberships

- University of California, San Diego, and Scripps Institute of Oceanography
 - Student
 - Instructor
 - Underwater Researcher

Community Involvement

- CYSA
- YMCA
- American Red Cross, Volunteer
- Knights of Columbus, Volunteer

Education

- J.D., University of San Diego School of Law
- B.S., University of Santa Clara

Honors

- *Best Lawyers in America*® distinction in Employment Law – Management (2014-2023), Admiralty and Maritime Law (2016-2025), Litigation – Labor & Employment (2016-2025)
- Top Rated Lawyer-AV® Preeminent™, Martindale-Hubbell
- Top Rated Lawyers in Labor & Employment Law (2016)
- *Super Lawyers*® distinction in the fields of Employment & Labor, Business Litigation, and Transportation/Maritime (2007-2024)
- “Top 50 San Diego *Super Lawyers*®”
- Member, American Board of Trial Advocates (ABOTA)
- Top Lawyers in San Diego distinction in Employment Law, *San Diego Magazine* (2017)
- Award for Volunteer Service, American Red Cross
- Award for Volunteer Service, Knights of Columbus