



Marcie Isom Fitzsimmons

PARTNER

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RELATED SERVICES

- Employment
- Entertainment & Recreation
- Trucking
- Transportation
- Trial Practice
- Healthcare
- Education

OFFICES

- San Francisco
- Fresno

OVERVIEW

Marcie is a Partner in the San Francisco Office of GRSM. She represents both private and public entities in employment matters, focusing her practice on defending employers against discrimination, retaliation, and harassment claims. Marcie also litigates cases concerning alleged violations of wage and hour laws, Title IX, family medical leave laws, violations of the Americans with Disabilities Act, and ERISA.

Marcie counsels corporations, non-profit organizations, individuals, and educational institutions on a wide-range of employment issues including employee discipline and termination, wage and hour issues, misconduct investigations, Title IX, and family and medical leaves.

Marcie has tried cases successfully in both federal and state court. She recently prevailed in a four week trial and successfully secured a fees and costs award of over \$1.2 million for her client. She has

successfully appeared before the California Courts of Appeal and the Ninth Circuit. Marcie has also handled a number of complex internal hearings for several universities. She has had considerable success in pretrial motion practice, most recently prevailing on summary judgment in a retaliation and race discrimination case.

In addition to her regular practice, Marcie has served as an instructor for the HR Generalist Certificate Program, in which she teaches HR professionals about the practical application of various employment laws. Marcie also serves on the United Educator's Defense Counsel Advisory Committee.

Marcie often speaks and conducts training on a variety of employment and litigation topics. Marcie also conducts workplace investigations and is also trained as a Title IX Coordinator.

REPRESENTATIVE EXPERIENCE

Marcie's representative experience includes:

- A former neurologist in a practice group in Palo Alto alleged that the group retaliated against her, wrongfully terminated her, breached its employment contract with her, and interfered with her prospective economic advantage. Marcie and Senior Counsel Hieu Williams represented the medical group. During the four week trial, they argued that the medical group did everything it could to help the plaintiff succeed, but she elected to resign because she did not want to work in a group practice with other physicians as part of a team. The Santa Clara County Superior Court dismissed her retaliation and wrongful termination claims on non-suit. After several days of deliberation, the jury found only one provision of the employment contract was breached and awarded the plaintiff less than \$29,000 in damages, which was a far cry from the over \$10 million she was seeking and less than the Offer to Compromise that the medical group served at the inception of the case. Following the trial, the court awarded Marcie's client \$1,268,263 in fees and costs. In its order, the court noted that the "services rendered by Defendant's counsel at trial were professional and effective" and "evidence superior preparation and organization." The court went on to note that the "favorable outcome to Defendant of the litigation suggests the effectiveness of services of Defendant's counsel." The court also acknowledged that Marci's opening statement was "effective" and "delivered clearly and confidently."

- A former Senior Lecturer in the Department of Theater and Dance at Santa Clara University, sued the University for age discrimination and breach of contract. She alleged that the University's decision to end her appointment as a Senior Lecturer was motivated by her age. She also alleged that the University did not have good cause to end her employment. The plaintiff asked the jury to award more than \$2.5 million. Marcie and San Francisco partner Michael Lucey successfully argued that the decision was made based upon the lack of a programmatic need for the plaintiff's position, and that her age had nothing to do with the decision. After deliberating for less than 3 hours, the jury came back with a unanimous verdict on the age discrimination claim and a 10-2 decision on the breach of contract claim.
- A visually impaired law student at Boalt Hall alleged that the University discriminated against him based on his disability by failing to timely provide him with his requested accommodations, including large print materials. He sued The Regents of the University of California and a number of individual administrators for violations of Title VII and the Unruh Act. Marcie and San Francisco partner Michael Bruno tried the case before a federal jury. They argued that The Regents "bent over backward" to accommodate the plaintiff. The jury deliberated for less than an hour before rendering a complete defense verdict. The plaintiff appealed the decision and the Ninth Circuit upheld it. The plaintiff ultimately paid The Regents over \$12,000 in costs.
- The Vice President of Finance at a Silicon Valley start-up company alleged that the company's CEO discriminated against her based on her pregnancy after he terminated her shortly after she disclosed she was pregnant. Marcie and Mr. Bruno represented the company and the CEO in a binding arbitration. During arbitration, Marcie and Mr. Bruno argued that the company terminated the claimant's employment based on poor performance and for exercising poor judgment. The arbitrator agreed and ruled in favor of the company and the CEO on all counts.
- A longshoreman sued a terminal operator alleging that the terminal operator discriminated against her based on her disability by failing to provide her with a restroom in close proximity to her work location and by failing to provide meal and rest breaks in violation of California's Labor Code. She also alleged the terminal operator retaliated against her for complaining about the purported discrimination. Marcie represented the terminal operator. During the plaintiff's deposition, Marcie skillfully obtained a number of admissions that ultimately resulted in the state court granting her motion for summary judgment, dismissing the case and entering judgment in favor of Marcie's client.
- A former employee of a large bank alleged that the bank unlawfully failed to pay her benefits due under the bank's Change in Control Plan in violation of ERISA after the bank terminated her employment. She also alleged that the bank interfered with her Family Medical Leave Act rights. Marcie and Mr. Bruno represented the bank in federal court. They argued that the plaintiff was not entitled to benefits under the Plan and that the plaintiff failed to prove any kind of causal link between her termination and her request for medical leave. The court agreed and granted their motion for summary judgment in its entirety and entered judgment in favor of the bank.

PUBLICATIONS

- New California Workplace-Related Bills – What Employers Need to Know, *GRSM Employment Law Update*, October 16, 2019

PRESENTATIONS

- Employment Law Hygiene: How to Stay Squeaky Clean, Napa, California, February 2025
- A Big Picture View for Leaders from An Employment Attorney's Perspective, February 2025
- Managing Communication and Documentation for Corrective Action with Employees, San Jose, California, January 9, 2025
- Employment Law 101, Palo Alto, CA, October 2024
- Significant Changes and Developments in Employment Litigation for 2024, GRSM Legal Education Conference, San Francisco, CA, September 2024
- Watch List: Employment Litigation Alert 2023, GRSM Legal Education Conference, San Francisco, CA, September 2023
- A Rx to Avoid: Sexual Abuse and Misconduct Claims in Healthcare, California Society of Healthcare Risk Management, Napa, California, August 3, 2022
- Sexual Harassment in Education Program, Best Practices and Common Errors in Investigations – A Simulation, Berkeley Comparative Equality Center, October 28, 2021
- Planning for a Successful Return to Work: Considerations for Employers, GRSM National Employment Webinar Series, May 6, 2021
- AB 5: Not Music to My Ears — Surviving and Thriving in an AB5 World, InterMusic SF, April 21, 2021
- Hot Button Issues and New Developments in Employment Litigation, San Francisco Legal Conference, San Francisco, California, October 2018 & October 2019
- Careers in Litigation, University of California Hastings College of the Law, San Francisco, California, October 2017-2019
- Conducting Workplace Investigations: The Who, What, When, Why, and How, Walnut Creek, California, January 2017
- Peer Review Privilege: Best Practices for the Professional Affairs Committee, Mt. View, California, September 2016
- Certificate Program For HR Generalists, Emeryville, California, April & September 2016
- Recognizing and Curing Employment Pitfalls, Barefoot Networks, Palo Alto, California, January 2016
- Dr. Civil Procedure: How to Dissect an Employment Case from a Civil Procedure Perspective Without Cutting Off Your Nose, University of California Hastings College of the Law, San Francisco, California, October 2014
- Preventing Harassment and Discrimination in the Workplace, Hayward, California, October 2014
- The Dos and Don'ts of Documenting Discipline: How to Be the World's Best Boss (Even if Not Everyone Agrees), San Ramon, California, March 2014

In The Media

- “Why is Corporate Law a Noble Profession?” Litigation Briefs Podcast, May 3, 2022

CREDENTIALS

Admissions

- California
- U.S. District Courts, California
- U.S. Court of Appeals, Ninth Circuit

Memberships

- California State Bar, Employment Law Section
- American Bar Association, Labor and Employment Law Sections
- National Association of College and University Attorneys (NACUA)
- Northern California HR Association (NCHRA)
- National Association of Professional Women (NAPW)
- Legislative Chair of the Board of the Peninsula Chapter of the Northern
- California HR Association (NCHRA) (2010-2011)

Education

- J.D., University of California Hastings College of the Law, 2003
- B.A., Political Science and International Studies, Northwestern University, 1999
 - Departmental Honors

Internships

- Legal Aid Society, Employment Law Center

Externships

- Honorable Phyllis J. Hamilton, United States District Court, Northern District of California

Honors

- Selected as a Top Woman Attorney in Northern California, *San Francisco Magazine* (2014, 2021)
- *Super Lawyers*® distinction in Employment Litigation (2014-2018, 2020-2024)
- *Super Lawyers*® Rising Stars distinction in Employment Litigation (2012-2013)
- Recognized as having a Leading Employment Practice in *The Recorder* (2011-2012)