

MONDAY, MARCH 8, 2021

## Uncovering Solutions

*Oppenheimer Investigations Group uses investigations to try to prevent workplace disputes.*

By Shane Nelson

Special to the Daily Journal

More than four decades ago, Amy J. Oppenheimer had a pretty clear idea about why she wanted to be a lawyer.

“I became an attorney because I thought I could do good,” she said, pausing for a moment to consider that idea.

“I went to law school because I cared passionately about human rights, generally, and women’s rights specifically,” Oppenheimer continued. “And I thought becoming a lawyer would be a way to make a difference in the world.”

Described by several attorneys as a pioneer in the field of workplace investigations, an area in which she’s worked since the 1990s, Oppenheimer started her career, however, as a litigator and handled sexual harassment cases in the 1980s. Those matters reshaped Oppenheimer’s perspective on the value of litigation and where her legal career was headed.

“I really wanted to do prevention,” she explained. “Litigation never seemed to get anybody what they wanted. So I started trying to figure out how to actually do prevention work, which led me to workplace investigations.”

Civil employment matters make up the largest percentage



Gary Wagner / Special to the Daily Journal

From left: Zaneta Seidel, Christina J. Ro-Connolly, Alezah Trigueros, Amy Oppenheimer and Vida Thomas, partners at Oppenheimer Investigations Group.

of cases filed in courts today, according to Oppenheimer, who said many employers are now recognizing that in order to navigate ongoing, fractious employee disputes they first need to understand exact-

there have been allegations of harassment, assault, discrimination, bullying, retaliation or other misconduct.

In January, Oppenheimer announced the rebranding of her 25-year-old Berkeley law firm,

expanded partnership structure.

Today, Oppenheimer Investigations Group LLP, consists of five partners, including Oppenheimer, Christina J. Ro-Connolly, Vida L. Thomas, Zaneta O. Seidel and Alezah C. Trigueros. “It’s five women of diverse ages, races, and backgrounds,” said Ro-Connolly, who spent 11 years at the Contra Costa County Counsel’s Office before joining Oppenheimer in 2018. “Seeing all five of our pictures next to each other on our website made me really proud.”

Oppenheimer was quick to echo that sentiment about the

**‘Litigation never seemed to get anybody what they wanted. So I started trying to figure out how to actually do prevention work, which led me to workplace investigations.’**

— Amy J. Oppenheimer

ly what’s happening. That is where Oppenheimer comes in, providing investigations of workplaces and schools where

a change aimed at reflecting her now 16-lawyer shop’s growth in the workplace investigations field as well as its substantially

value of the partnership group's backgrounds.

"We've been able to grow a very diverse team in terms of age and race and sexual orientation," Oppenheimer said. "And we have this great opportunity to really hear many perspectives and bring that to the work we do at a time when, in the U.S., we're understanding the importance of that."

Oppenheimer said the firm saw a significant uptick in demand following the #MeToo movement, and has handled some high profile matters since then, including investigating a complaint by a male staffer against Assemblywoman Cristina Garcia, D-Downey, alleging she touched him inappropriately after having too much to drink.

More recently, the firm conducted an investigation following a discrimination complaint made by the NAACP alleging two Valley Water Board members voted against hiring the organization's now CEO Rick Callender because of his race.

And Ro-Connolly noted the Racial Injustice movement has also had a concrete impact on work the Oppenheimer Investigations Group does. She mentioned, as an example, a recent investigation into a complaint made by a public entity

employee, who felt a member of the organization's leadership was discriminating against her because of her race but wasn't quite sure how to classify it.

"She said, 'It wasn't until this past year because of the racial justice movement that I finally have a name for it. I feel like what I've been experiencing are microaggressions,'" Ro-Connolly recalled.

Investigating microaggression discrimination claims requires a different approach. Ro-Connolly said she's had to rethink the types of questions she asks during investigations of this brand of workplace misconduct as well as reconsider who she interviews.

"It's not like I can identify two or three witnesses who may or may not have been present when a certain incident occurred," Ro-Connolly said. "It's having to be thoughtful about, 'OK, who else could have possibly experienced what this complainant has experienced?' 'Who else could have possibly been exposed to this type of treatment or this type of feeling?'"

San Francisco labor and employment attorney Heather A. Irwin has been recommending Oppenheimer to clients in need of investigations for more than a decade.

"You really want someone to tell you the truth," Irwin said. "You don't want a 'nothing happened here' report. If there's something going on, you want to know about it, and I trust that Amy will give me the truth as she and her team see it and make reasonable conclusions that I can understand from reading her reports."

Irwin acknowledged the value of Oppenheimer's diverse team, saying the varied backgrounds at the firm are certainly helpful, but she was clear about why she so frequently suggests the firm to clients.

"The reason I use them is because I know Amy hires good people who are smart and good at their jobs," Irwin said.

Los Angeles labor and employment attorney Brian P. Walter, who worked recently with Oppenheimer Investigations Group on a workplace harassment and discrimination complaint, said Oppenheimer's experience and credentials put her at the top of her field.

"Amy brings a gravitas to an investigation based on her years of experience and her reputation," Walter explained. "A lot of investigators can get sidetracked. But she has a laser focus and clarity that enabled her to cut through and distill the evidence and come up with

very well thought out and well supported findings in a timely and efficient manner."

Along with the extensive investigation work, Oppenheimer noted her firm does a great deal of training for workplaces, teaching folks more recently about microaggressions and what they are as well as explaining other forms of inappropriate communications and behaviors. Ultimately, that training work has been a key element of the overall satisfaction Oppenheimer said she's taken from helping promote lasting change through prevention rather than litigation.

"Employment law — it's like family law," she said. "It's about people who are going to keep working together, hopefully, and they need to learn to communicate. Litigation isn't the way to do that." Describing herself as a problem solver, Oppenheimer said she's incredibly grateful to have found a niche that allows her to make use of her experience and skills while feeding her interests.

"Not everybody is well intended, but lots of people are," she said of her clients. "They're just trying to figure out solutions, and to be able to work with people to figure that out, it's fun. It's engaging, and I so appreciate that people trust me to help."

