

# MESSING ADAM & JASMINE

**GREGG McLEAN ADAM**  
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Gregg's expertise covers:

- Ralph C. Dills Act
- Public Safety Officers' Procedural Bill of Rights Act
- California Excluded Employees' Bill of Rights Act
- Firefighters Bill of Rights Act
- Meyers-Milias-Brown Act
- Trial Court Employment Protection & Governance Act
- Public Employee Retirement Laws

## Public Sector Litigation and Labor Law

Gregg, selected by Daily Journal as one of the Top 20 Municipal Lawyers in California in 2013 and as one of California's leading Labor & Employment Lawyers in 2014, has litigated extensively both in state and federal court, including in the United States Supreme Court. Litigation focus areas include: public employee retirement law; public employee rights and constitutional law under both the federal and California constitutions; First Amendment rights for public employees; Eighth Amendment, unit formation and modification; workplace safety; California Wage and Hour law; Fair Labor Standards Act; federal and state procedural and state substantive due process; discipline; California Emergency Services Act, California Arbitration Act and internal governance; and furlough litigation at a state and local level. He has been involved in precedent-setting cases involving the Ralph C. Dills Act, the California Arbitration Act, the Public Safety Officers' Procedural Bill of Rights Act, the Prison Litigation Reform Act, and the California Public Employees' Pension Reform Act.

Gregg has spent his career advocating on behalf of tens of thousands of public employees in California and beyond. He has helped public employees secure increases

in wages and benefits and defended disciplinary actions. He typically uses a collaborative approach in his advocacy; however, he also brings formidable litigation experience to bear on his practice, including representation of clients' interests to the California and United States Supreme Courts.

### Collective Bargaining Negotiations

Gregg has negotiated collective bargaining agreements for associations ranging in size from a few dozen to 30,000+, under multiple collective bargaining laws at both the state and local level. He has represented public safety officers, firefighters, supervisors, teachers, engineers, architects, and managers. Gregg brings a "win-win" philosophy to the bargaining table and a problem-solving energy to reaching the best results for his clients.

## CREDENTIALS

### Education

- University of California, Hastings College of the Law, J.D. 1999
- University of Edinburgh, M.A. in Economics and Politics, with honors 1993

### Affiliations & Memberships

- Bar Association of San Francisco, Labor and Employment Law Section
- State Bar of California
- American Bar Association, Labor and Employment Law Section, National Co-chair of the State and Local Bargaining and Employment Law Committee, Section on Duty of Fair Representation

### Professional Distinctions

- Externship, The Honorable John T. Noonan, United States Court of Appeals, Ninth Circuit
- Selected by *Daily Journal* as one of the Top 20 Municipal Lawyers in California (2013), and one of California's leading Labor & Employment Lawyers (2014)
- Listed as a Northern California Super Lawyer by *Super Lawyers* (2014-2016)

## PRESENTATIONS

Speaker, "History of the San Jose Pension Crisis and Ongoing Litigation Over Vested Rights," *23rd Annual Northern California Public Retirement Seminar* (September 26, 2013).

Panelist, "Sustainable Public Employee Pensions," *Marin County Pension Reform Community Forum* (April 3, 2012).

## PUBLICATIONS

Co-author with Gary Messing, "Unions Can Still Charge Fair Share Fees for Now," *PORAC Law Enforcement News* (Vol. 53 No. 5 May 2016).

Co-author with Gary Messing, "PORAC and LDF Lead Coalition to Preserve Union's Right to Collect Agency Fees from Nonmembers," *PORAC Law Enforcement News* (Vol. 53 No. 1 January 2016).

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

Co-author with Amber Griffiths, "Debate Emerges Regarding How to Establish Implied, Vested Contracts After Supreme Court's *Retired Employees Association v. County of Orange* Ruling," *Benders California Labor and Employment Bulletin*, Vol. 2013, No. 4 (April 2013).

Co-author with Gary Messing, "Impasse Resolution Procedures Mandated for Collective Bargaining," *PORAC Law Enforcement News* (Vol. 49 No. 1 January 2012).

### Police Officer Associations Publications

Author, "*Friedrichs v. California Teachers' Association* and The Attack On Agency Fee or Fair Share Agreements: The Negative Effect "Free Riders" Have On Public Employee Compensation," *Vanguard*, a San Jose Police Officers' Association publication (November 2015).

Author, "California Supreme Court Reaffirms That California Employees Are Entitled To Compensation When Subject To Their Employer's Control," *Vanguard*, a San Jose Police Officers' Association publication (February 2015 ).

Author, "Employees' Time Undergoing Security Checks Is Not Compensable Under Federal Law – But There's A Decent Chance It Would Be Under California Law," *The Journal*, the Official Publication of the San Francisco Police Officers' Association (January 2015); *Vanguard*, the official publication of the San Jose Police Officer's Association (January 2015).

Author, "A Fond Farewell To Two Great Leaders," *Vanguard*, the official publication of the San Jose Police Officers' Association (December 2014).

Author, "Measure B Is Unconstitutional, So What Now?," *Vanguard*, the official publication of the San Jose Police Officers' Association (February 2014).

Author, "Auld Lang Syne," *The Journal*, the official publication of the San Francisco Police Officers' Association (January 2013); *Vanguard*, the official publication of the San Jose Police Officers' Association (January 2013).

Author, "Alaska Supreme Court Recognizes 'Union Representative-Member' Privilege Under That State's Collective Bargaining Law," *The Journal*, the Official Publication of the San Francisco Police Officers Association (December 2012) ; *Vanguard*, the official publication of the San Jose Police Officer's Association (December 2012).

Author, "Update on San Jose Pension Litigation and State Pension Reform Law," *Vanguard*, the official publication of the San Jose Police Officers' Association (October 2012).

Author, "California Court of Appeal Rules That Privatizing Municipal Functions of a General Law City is Unlawful Except Under Narrow Circumstances Specified by State Law," *The Journal*, the official publication of the San Francisco Police Officers' Association (September 2012).

Author, "Court Rules Privatizing Municipal Functions of a General Law City is Unlawful Except Under Narrow Circumstances," *Vanguard*, the official publication of the San Jose Police Officer's Association (September 2012).

Author, "Not Continuing Vested Right to Permanent Civil Service? Yup, Apparently," *Vanguard*, the official publication of the San Jose Police Officer's Association (August 2012).

Author, "The Lawyer's Briefing ...," *The Journal*, the official publication of the San Francisco Police Officers' Association (July 2012).

Author, "San Jose, 'The Epicenter'," *Vanguard*, the official publication of the San Jose Police Officers' Association (July 2012).

Author, "Reciprocity Rights Recognized and Court of Appeal Requires Fair Ballot Question," *Vanguard*, the official publication of the San Jose Police Officers' Association (May 2012).

Author, "#pensiongate: Summary of Legal Challenges," *Vanguard*, the official publication of the San Jose Police Officers' Association (April 2012).

Author, "Pension Projections, Lies and the Death Knell of Labor Relationships in San Jose," *Vanguard*, the official publication of the San Jose Police Officers' Association (March 2012).

Author, "A Tribute, or Two, and a Gathering Storm Ahead," *Vanguard*, the official publication of the San Jose Police Officers' Association (February 2012).