

Korshak, Kracoff, Kong & Sugano, L.L.P.

A California-based law firm with a national practice in collective bargaining, labor management programs and litigation

Overview Of Our Firm

Korshak, Kracoff, Kong & Sugano is a boutique labor, employment and civil litigation firm rated (AV) in Martindale-Hubbell's Bar of Register of Preeminent Lawyers. We have a national practice and serve our clients through three offices, located in Los Angeles, Sacramento, and Chicago. We allow our clients to use our services in the way that best complements their needs, i.e., in the role of general, labor, or litigation counsel; on a transactional basis; on issues relating to employment and labor matters; as a resource for internal human resource departments in the form of counseling, training, and litigation; or as associate counsel for other law firms who retain us to work with them on collective bargaining, internal investigations or other matters.

To maximize our productivity for clients, we focus our work largely on labor and litigation; we attempt to keep the same professionals working on a client's matters on a consistent basis to avoid unnecessary rotation and retraining of attorney. We also strive to ensure that the professionals working on each aspect of a client's case are at the appropriate billing rate for the complexity of the task involved. By developing long-term relationships with a select group of clients, our team of experienced attorneys and staff gains a thorough knowledge of our clients' operations and issues which allows us to understand the business and employment environment and to work efficiently and effectively on their behalf.

The areas of our practice are as follows:

Litigation

A substantial portion of our practice is litigation, including employment, wrongful termination, discrimination, unfair competition, unfair business practices and trade secrets, environmental law, construction, commercial, contract, tort, and insurance defense. Our attorneys have extensive jury and bench trial experience; collectively, our team has participated in over 500 jury trials. Because of that trial experience, our firm is able to litigate through trial any matter it undertakes and offers advice based on that ability.

We conduct a thorough investigation into the facts and the law at the beginning of a case that allows us to advise the client up front about the potential exposure in any case. With this knowledge, we work side by side with our clients to determine the best strategy to handle the matter in the most economical and effective matter. We have found that our willingness and ability to go to trial along with the depth of our preparedness gives us a competitive advantage in pursuing settlement or fully engaged in litigating and preparing a case for trial. Clement Kong is head of our litigation practice.

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Collective Bargaining

Another portion of our practice is representing management in collective bargaining negotiations. We have a national practice representing individual employers and multi-employer groups in bargaining. We represent hotels, casinos, and office building owners; wine and spirits distributors; records distributors; airlines; food service companies; and sports and entertainment companies.

Our approach is to deal professionally and respectfully with unions whenever possible to achieve management's goals. We believe that confrontations and litigation with unions are often counterproductive to management's objectives and that building a long-term, professional, trust-based relationship with a union is quite often more effective in accomplishing management's goals. Therefore, in cities and industries where unions are strong, we believe that management generally obtains more cost-effective and flexible labor contracts, as well as higher morale and productivity, by working constructively with unions rather than by confrontational tactics. We believe engaging unions to reason with management to solve mutual problems facing the business is usually more productive than brinkmanship. In some cities and industries, of course, this approach is not viable and we advise clients to follow more traditional, confrontational approaches. Stuart Korshak, Rick Kracoff and Bill Glynn are in charge of our collective bargaining practice.

General Business

We are involved in general corporate and real estate counseling for our clients. We assist our clients in buying and selling businesses and real property, in negotiating distribution and supplier contracts, in administrative agency proceedings, self-audits, preventative procedures, and in assisting them in other general matters. Clients with or without internal counsel rely on us for this advice. We are able to provide strong advice to clients in this area based in part on our expertise in litigation and other matters which allow us to structure transactions that offer our clients the most protection available. Clement Kong and Jim Boyd are in charge of this practice area.

Employment Policy Development & Implementation

We have created and implemented for our clients new types of labor-management programs, including labor-management partnerships; employee-involvement programs; incentive, gain sharing, and variable pay programs; and joint-training programs. We are involved in advising companies on the development and implementation of proactive labor relations policies, including employment policies and goals; auditing and implementing compliant overtime classifications; drafting arbitration and proprietary information agreements; drafting employee handbooks and performance appraisal systems; implementing drug and alcohol testing programs; and drafting strike manuals, shop rules, and absenteeism and tardiness policies. Stuart Korshak and Rick Kracoff are in charge of this practice area.

EEOC and DFEH Compliance

Under both federal and state regulatory schemes, employers are subject to mandatory surveillance of hiring, promotion, and layoff practices as a means of preventing discrimination against protected class members within the employee ranks. For many companies, employee statistics must be compiled periodically and submitted to the government for this purpose and an employer's failure to provide accurate and timely data can result in costly monetary consequences and expose the employer to heightened governmental scrutiny. The same data may be obtained and used by civil litigants who charge discrimination based on disparate impact. We assist our corporate clients in creating and maintaining employee statistics and complying with reporting obligations. We use nationally recognized statistical experts to assist us in this work. We audit and analyze the statistical data to minimize exposure to class-action discrimination claims and lawsuits in hiring, promotion, termination, wages, and employment benefits based on race, age, gender and other prohibited statutory categories. We also make appropriate recommendations regarding employment practices that may be viewed as discriminatory in nature. We also handle complaints or prosecution by either the Federal Equal Employment Opportunity Commission (EEOC) or applicable state fair employment and housing agencies. Clement Kong and Jill Peterson (who formerly headed the California Department of Fair Employment and Housing) co-chair this practice area.

Training

Training is an essential element of policy implementation and an important tool for lessening legal exposure in the employment law context. Training can also be a mechanism to let employees know what is required of them and to understand a culture of mutual respect. We have created training programs for our clients on a broad range of employment law issues. We have designed and delivered legal seminars to train our clients' employees and supervisors on sexual harassment; racial, age and other forms of discrimination; understanding union contracts and relationships; progressive discipline; and other employment policies. We have also worked with the client's trainers delivering the seminars to the client's workforce. Our attorneys and consultants have experience in needs assessment, workshop design, training delivery, and program evaluation, affording our clients professional tools to address their training needs in all areas of human resources. Jill Petersen in our Sacramento office leads in this practice.

Internal Investigations (relating to employee misconduct; harassment and/or discrimination)

With claims of sexual harassment, retaliation, and wrongful discharge increasing, it is important that companies be able to conduct timely and comprehensive investigations of employee charges of such misconduct. The law often requires a timely and fair investigation and remedial action to avoid liability for ratification of the underlying misconduct by a failure to act and the courts are sometimes willing to reject a plaintiff's liability claim for wrongful discharge if it can be shown that the employer had a reasonable belief that the misconduct had occurred after conducting a thorough and prompt investigation. We often act as outside investigator on behalf of corporate clients for such investigations. We also train companies' managers to do such investigations themselves and coach and advise them during actual investigations they conduct, including

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reviewing harassment investigation reports with them. We also provide similar services to clients that may involve allegations of employee misconduct (breach of company policies and practices) or suspected criminal activity. Clement Kong and Richard Kracoff are in charge of this practice area.

Insurance

We have broad experience in insurance law, including the defense of insureds in complex actions and defense of insurance companies in first-party disputes. Our insurance clients have retained us for defense in a wide variety of tort claims, including personal injury, premises liability, wrongful death, products liability, disability discrimination, and employment claims. In addition to our defense practice, we assist carriers in addressing coverage issues, acting either as coverage counsel prior to denial or acceptance of a claim or as defense counsel in cases alleging bad faith and a breach of the obligation to defend or indemnify. We have pursued numerous declaratory relief actions on behalf of our insurance clients seeking to establish the insurance company's rights and obligations under various policies of insurance, including comprehensive general liability policies, personal injury policies, and umbrella policies. T.R. Sugano heads this practice area.

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