



## Russell K. Ryan

### Partner

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Russ Ryan focuses his practice on labor and employment counseling and litigation, health care law and administrative proceedings and regularly serves as outside general counsel for his clients, providing a range of transactional services. His clients include national, regional and local companies in numerous industries, including nonprofit organizations — particularly federally qualified health centers and Head Start — along with medical and dental practices, tech companies and ag-related businesses. Mr. Ryan has a multi-jurisdictional practice and actively practice in both California and Utah as well as federal courts throughout the country. Mr. Ryan is also conversant in spoken and written Spanish and regularly conducts trainings and provides agreements and policies in Spanish as well as English.

### Ratings and Designations

“AV Preeminent” rated attorney 2012–Present, signifying the highest possible rating of professional excellence in both legal ability and ethical standards. Martindale-Hubbell’s highest accolade is afforded to only the top 5% of all attorneys and based on peer review ratings provided by judges and attorneys.

“Super Lawyer” designated 2014–Present. Super Lawyers uses a patented third party nomination and selection process to rate attorneys with approximately 5% in all of Northern California (Central California to Oregon border) receiving Super Lawyer designation.

Designated 2014–Present “Top Lawyers in California” by the Legal Network as Highest in Ethical Standards and Professional Excellence.

Designated “America’s Most Honored Lawyers – Top 1%,” “Top Attorneys in Northern California,” “America’s Most Honored Professionals – Top 1%,” “Martindale-Hubbell Top Rated Lawyers” in Labor and Employment and Litigation, “AV Preeminent Attorney – Judicial Edition.”

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### Practice Areas

Employment  
Health Care  
Real Estate  
Business Litigation  
Business Transactions  
Appellate Litigation

### Education

University of California,  
Berkeley School of Law  
Juris Doctorate, 1988  
(approximately top 25% of  
Class)

Brigham Young University  
Bachelor of Science,  
Psychology, 1985

Honors – Cum Laude, Psi Chi  
Psychology – Honor Society

## Bar Admissions

California (admitted 1989)  
Utah (admitted 2001)

United States Supreme  
Court

Ninth Circuit Court of Appeal

Tenth Circuit Court of  
Appeal

U.S. District Court, Northern  
District of California

U.S. District Court, Southern  
District of California

U.S. District Court, Eastern  
District of California

U.S. District Court, Central  
District of California

U.S. District Court, District  
of Utah

## Judicial Clerkship

Honorable Aldon J.  
Anderson, United States  
District Court, District of  
Utah, 1988–1989

## Affiliations

Fresno County Employment  
Lawyers (Co-Founder and  
Secretary)

Madera County Bar  
Association (All Board  
positions, including  
President)

## Experience

Partner – Motschiedler, Michaelides, Wishon, Brewer & Ryan,  
LLP, 1994–2001 and August 2002–Present

Previous Firms – Parr, Brown, Loveless and Gee, P.C., Salt Lake  
City, Utah (Shareholder); Holland & Hart, LLP, Salt Lake City,  
Utah (Partner); Littler Mendelson, P.C. (Fresno, California);  
Brobeck, Phleger & Harrison (San Francisco, California)

Adjunct Professor – San Joaquin College of Law, 1992–2000  
(Employment, Insurance and Commercial Transactions Law)

Public Service, Commissioner, Madera County Civil Service  
Commission, 1997

## Areas of Practice

### Employment

Mr. Ryan represents employers (and the occasional employee) in all aspects of the employment relationship. This includes training on all aspects of federal and state rules and regulations, as well as drafting employment policies, handbooks, employment agreements, confidentiality agreements and severance agreements. He specifically focuses his counseling on reducing the risk of litigation through proactive planning and strategy.

### Training

Mr. Ryan has provided hundreds of trainings to more than 150,000 participants in employment law, corporate compliance, board member roles and responsibilities, and health care compliance issues. These training sessions have ranged from groups of 5–10 employees, board members and supervisors to more than 1,000 participants. A sampling of these training sessions includes:

- *Client Trainings* – presenter and trainer to employees, managers and boards of directors for federally qualified health centers, hotels and hotel management companies, restaurants, manufacturers, automobile dealerships, poultry processors, agricultural concerns, construction companies, health clinics, physician groups, hospitals, skilled nursing facilities, beverage distributors and alarm companies on various topics ranging from sexual harassment, violence in the workplace, employment

California, Utah and Fresno  
County Bar Association  
American Business Trial  
Lawyers (Board of Directors  
Fresno Chapter)

Board of Directors, Heartland  
Opportunity Center

Board of Directors, Resources  
for Independence Central  
Valley, 2009–Present

Steering Committee, Center  
for Disability Innovation,  
Fresno State University

Board of Directors (Chair),  
Kimberlite Corporation  
(Sonitrol Alarm Franchise)

discrimination, cultural diversity and board member roles and expectations to FMLA, ADA, the Brown Act, Roberts Rules of Order, and HIPAA compliance. This includes trainings and presentations in both English and Spanish.

- *Head Start Programs* – presenter and trainer at numerous sessions, in English and Spanish, to employees, members of boards of directors, and parent policy councils and committees on sexual and other unlawful harassment and discrimination, violence in the workplace, committee member roles and responsibilities, the Brown Act and Roberts Rules of Order.
- *Employer Programs* – moderator and presenter of national and regional trainings (1–3 days) on topics such as sexual and other unlawful harassment and discrimination, violence in the workplace, cultural diversity, wage and hour issues, FMLA, CFRA, ADA and OSHA.
- *Various Nonprofit and Service Organizations* – presenter and trainer to nonprofit organizations such as the Centers for Independent Living, ARC centers, Boys and Girls Clubs, Save the Children, and service clubs such as Rotary, Lions and Kiwanis.

### Litigation

Mr. Ryan has conducted more than 150 major hearings, arbitrations and court and jury trials, prevailing in more than 90% of those cases. Mr. Ryan has successfully represented employers in resolving more than 20 class action wage and hour cases with class sizes ranging from 100 to more than 5,000 employees. Mr. Ryan's reported appellate decisions include:

- *Pinheiro v. Civil Service Commission of the County of Fresno*, 245 Cal.App.4th 1458 (2016)
- *United Health Centers of the San Joaquin Valley v. Superior Court*, 229 Cal.App.4th 63 (2014)
- *Gilbert Trujillo, et al. v. Group 4 Falck, et al.*, 244 Fed. Appx. 853 (10th Cir. 2007)
- *Hernandez v. City of Hanford*, 41 Cal. 4th 279 (2007)
- *Kelton v. Stravinski*, 138 Cal.App.4th 941 (2006)

- Church v. Jamison, 143 Cal.App.4th 1568 (2006)
- QC Constr. Prods. v. Cohills Building Spec., Inc., 423 F. Supp.2d 1008 (D.Az. 2006)
- Spencer Enters. v. United States, 229 F. Supp. 2d 1025 (E.D. Cal. 2001)
- Urias v. Harris Farms, 234 Cal.App.3d 415 (1991)

### **Health Care, Real Estate and Business**

Mr. Ryan serves as transactional counsel in all facets of business and contractual relationships, from health care entities such as federally qualified health centers, rural health clinics and physician groups to tech, beverage distribution and ag-related businesses such as poultry processors and farming entities.

Mr. Ryan regularly serves as outside general counsel to these clients, including acting as counsel in loan transactions (ranging from \$1 million to more than \$100 million), contract drafting and compliance, negotiating and documenting real property acquisitions, and mergers and acquisitions of organizations such as health clinics and medical and dental practices.