

UNIVERSITY OF THE
PACIFIC

**McGeorge
School of Law**



Bruce M. Timm

Shareholder, Boutin Jones, Inc. in Sacramento

Member, Pacific McGeorge Alumni Association Board of Directors

Area of Practice: Employment Law

Year Graduated: 1998

Summary Bio

Timm is the incoming president of the Sacramento County Bar Association. Timm is “of counsel” to Boutin Jones Inc., where he is a member of the firm’s Employment Law and Litigations Practice groups. He is one of many alumni at the full-service business, real estate and litigation firm. Timm is serving his second four-year term on the McGeorge Alumni Association Board of Directors. He has served on the board’s executive committee as Vice President of Alumni Programs and has been particularly active in bringing Pacific McGeorge students together with alumni mentors. A former adjunct professor at Pacific McGeorge, he has participated in numerous Career Development Office panel discussions, judged oral arguments for the moot court team, and regularly attended Dine with Alumni programs. While a student at Pacific McGeorge, Timm won the Final Four Top Oral Advocate Award, was elected to membership in the Roger J Traynor Honor Society, was a member of the National Moot Court Competition Team, and served as a teaching assistant in Appellate Advocacy.

Interview for Employment Law Pathways

Bruce Timm is one of those lawyers whose interest in the law came to him relatively early in life, although he wasn't drawn into his current area of practice, employment law, until after law school. "I had always been interested in law school," Mr. Timm notes. "I took a number of law classes in college. I enjoyed reading the cases and discussing both sides, and I always thought it would be good to get into a profession where I could help people and make a difference." Mr. Timm entered law school with only a general idea of how he would use his law degree to effect positive change; however, he found his niche in employment law after representing employers in several cases. Today, Mr. Timm helps his clients at Boutin Jones protect their rights and advises them on ways to make their workplaces fairer and more agreeable for their employees.

Mr. Timm finished high school in San Diego and then received his Bachelor's degree in Management from Sonoma State University. After college, he enrolled at University of the Pacific, McGeorge School of Law. During law school, Mr. Timm completed two internships — one at the Legal Center for the Elderly and Disabled, another at a civil litigation firm — and immersed himself in McGeorge's advocacy program. "I really enjoyed the Appellate Advocacy course," he says. "I got a lot out of that whole experience, especially doing the Top Oral Advocate Competition. Not only was it challenging, but you learn a lot of skills that you can really use when you're out there practicing law. I loved that course. I was also a workshop leader, and I really enjoyed National Moot Court. The whole appellate advocacy program was phenomenal." In fact, Mr. Timm received numerous law school honors and a scholarship in recognition of his strong advocacy skills.

Once he graduated from McGeorge, Mr. Timm started working with a small law firm in Sacramento doing general civil litigation. After a little over two years, he left that firm to accept a position with Kronick, Moskovitz, Tiedemann & Girard (KMTG), where he got his first taste of employment litigation. "In law school, I knew enough to know that I was interested in litigation," Mr. Timm explains, "but I didn't know what type of litigation I wanted to do. The first two jobs I had gave me the opportunity to litigate a number of different cases in a variety of areas. [At KMTG,] I started to get more employment cases, and I really enjoyed them because of the factual complexity. Typically, you're dealing with years of alleged conduct in an employment case. It's challenging. You've got to analyze the facts and try to figure out what happened. The legal issues are interesting as well ... It was one of those areas that I just loved practicing in."

From KMTG, Mr. Timm followed his interest in employment law to Littler Mendelson, a firm specializing in employment matters. Later, he left Littler to form Barth Tozer & Timm LLP, a civil litigation firm, with two former partners from KMTG. "I did that for about two and a half years, and then decided I wanted to go back to a large firm, so I moved over to McDonough Holland & Allen," Mr. Timm recounts. "About six months in, the firm started to dissolve, so I moved over to Boutin with a group of about nineteen lawyers from McDonough."

At Boutin Jones, Mr. Timm is a member of the Employment Law and Litigation Practice Groups. "I litigate employment cases and business and commercial cases, and I also advise employers on avoiding litigation in the area of employment law," Mr. Timm explains. "I represent employers as opposed to employees, so I'm what is referred to as a 'management-side lawyer.'" The issues that he encounters include claims of sexual harassment; discrimination based on race, disability, and gender; wrongful termination; wage and hour violations; workplace retaliation; and violations of the California Family Rights Act. These matters require him to appear in state and federal court, as well as in front of administrative bodies such as the Department of Fair Employment and Housing, the Equal Opportunity Employment Commission, and the Public Employment Relations Board. "I like being on the defense side, both in litigation and from an advice and counsel perspective," Mr. Timm says, "because you have an opportunity to really help folks avoid litigation."

Mr. Timm explains that the typical employment law case begins with a complaint from the plaintiff. "When a complaint comes in, the first thing we do is undertake an investigation, which typically consists of interviewing witnesses, interviewing clients, and reviewing documents. At that point, we start to develop defense strategies, and we respond to the complaint in court, either with an answer with defenses or with a challenge to the pleading," he says.

Next comes discovery, which usually begins with interrogatories (written questions and requests for documents that are exchanged between the parties) and then progresses to depositions. "We'll take the deposition of the plaintiff, who is typically a former employee," Mr. Timm points out. "They'll come into our conference room and there will be a court reporter and a video camera, and we'll ask him or her all about the allegations and probe the veracity of the allegations. That can be a one- to three-day process, depending on the case. There may also be third-party witnesses, and you can depose them by way of a subpoena." If a disagreement arises concerning discovery, the attorneys for each party must make a good faith effort to resolve the dispute without having to argue it in front of a judge.

After discovery is complete, Mr. Timm says, "We determine whether we have a basis to file a dispositive motion — a motion for summary judgment — in which we ask the court to look at all the facts and, assuming they're true, decide whether the plaintiff can still state a cause of action ... Those motions are very expensive, so we need to talk to our clients to go over the costs and the risks." If a motion for summary judgment is inappropriate (or unsuccessful), Mr. Timm will look for other ways to resolve the case before trial to save his client the expense of litigation. "Almost all cases are resolved beforehand either through a motion or a settlement. When you go to trial in an employment case, the plaintiff will be entitled to attorney's fees if the plaintiff wins, so there is an incentive to resolve these cases ...," he notes. "There are a lot of skilled mediators locally who specialize in resolving employment cases, and oftentimes that is a good way to end the litigation and end the attorney's fees."

In a typical day, Mr. Timm prepares cases for litigation and fields phone calls from clients. "I could work for a client that wants to revise their employee handbook or assist with a termination. It's a lot of work in the office, so I have a lot of writing, researching, that kind of thing," he observes, "but it's a good mix of work out of the

office as well. I may be traveling to depositions or going off to interview witnesses." Outside of work, Mr. Timm is a member of numerous organizations, including the Sacramento County Bar Association, McGeorge Alumni Association, St. Thomas More Society, the Sacramento Downtown Rotary Club, and Operation Protect and Defend.

For Mr. Timm, it is important that he develop lasting relationships with his clients. "The relationships that you establish with clients are always very rewarding," he says. He also values the professional relationships he has with other attorneys at Boutin Jones. "What I like about being in a firm, and being at this firm, are the relationships you have with your colleagues. You spend a lot of time here, so you establish good friendships with folks, and you're always impressed when you look around and see how good the attorneys are. You can refer a client over to an attorney in a different subject matter and know they're going to get top notch representation," he explains. However, the downside to his practice, Mr. Timm notes, is that "the reality of being in private practice is it takes a lot of time to do your work and to do the extra things, like being involved in the community. It's very challenging, so you've got to be good at managing your time."

Mr. Timm points out that, in addition to strong time management skills, litigation savvy and passion are helpful in an employment law practice. "You're going to have to have the skills that are suited to basically all litigation: research and analysis of legal and factual issues," he says. Mr. Timm further notes, "You must write well so that you can write briefs for the court and correspondence with clients. In a lot of cases, there are two or three things you could do, so the ability to really analyze a situation and make a good, sound decision is also important. The other thing is, it's helpful to have passion for the subject matter. You will see people who really enjoy employment law. When you see people like that, you want to work with them."

Mr. Timm advises students who are interested in employment law to take several steps. First, "if you can, go work for a law firm that has a nice size employment practice or work for one of the government entities that deals with employment law," he recommends. "That's a really good way for students to learn about employment law and figure out if they like it. The other thing is figuring out what side you're most comfortable representing. Most employment law attorneys represent either employers or employees. Ask [yourself] whether you have a passion for one side or the other." Additionally, Mr. Timm recommends that students at McGeorge join the Employment and Labor Law Society and talk to alumni who practice employment law. "I think networking is really key," he says. "Maintain all your contacts."

To Mr. Timm, employment law is an area that law students should not overlook: "You're dealing with everyday people who are in situations that are kind of common to everybody," he says. "It's all very interesting and rewarding."