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ARBITRATION: Although criticized by many, a recent state appellate decision actually enhances due process safeguards for arbitration. By Samuel J. Muir and Christian E. Foy Nagy of Collins Collins Muir + Stewart, **PAGE 5**.

DIVERSITY: Associate general counsel Joseph K. West recounts Wal-Mart's efforts to enhance diversity in its legal department and in its retention of outside law firms. **PAGE 6**.

FIRM MANAGEMENT: A better approach to recruiting is to identify people who will provide your firm with long-term service. By Robert E. Williams of Sheppard, Mullin, Richter & Hampton, **PAGE 7**.

WEDNESDAY, NOVEMBER 3, 2010

Ex-LAPD Officer Awarded Nearly \$4 Million

By Catherine Ho
Daily Journal Staff Writer

LOS ANGELES — A federal jury on Tuesday unanimously awarded nearly \$4 million to a former Los Angeles Police Department officer who was fired after he testified on behalf of a co-worker in an employment dispute against the department.

Former officer Richard Romney alleged in his April 2009 lawsuit that superiors unfairly retaliated against him for speaking out about the department's labor policies.

The verdict in the case, which was filed in Los Angeles Superior Court but removed to U.S. District in Los Angeles, comes after a five-day jury trial before Judge Valerie Baker Fairbank. *Romney v. Chief William Bratton et al*, CV09-03048 (C.D. Cal., filed April 30, 2009).

"It completely vindicates Officer Romney, who stood up to the LAPD, crossed the thin blue line of silence, and fought for what was right," said Romney's lawyer, Matthew McNicholas of McNicholas &

McNicholas.

Romney was a 19-year veteran of the department when he testified in the employment lawsuit, *Maciel v. City of Los Angeles*, CV06-00249 (C.D. Cal., filed Jan. 13, 2006). That suit accused the police department of not paying officers overtime and of violating other wage laws. Romney appeared in federal court in the *Maciel* case in January 2008 to testify that LAPD supervisors specifically instructed officers not to submit overtime slips for less than one hour and encouraged officers to skip lunch breaks, according to the complaint filed in his case.

Five days later, the head of LAPD's Risk Management Unit launched an internal complaint against Romney and another officer who testified as a witness in the *Maciel* case. In response to an internal investigation, Romney's captain recommended a one-day suspension, but instead the department fired him, McNicholas said.

The jury found that Romney engaged in protected activity under the Fair Labor Standards Act, and

that the activity was a motivating factor in the decision to terminate him. The panel awarded \$3,999,945 for past and future economic damages and for pain and suffering.

Deputy City Attorney Daniel Aguilera, who represented the department at trial, did not return a call seeking comment Tuesday. In court papers filed last year, the city attorney's office denied Romney's allegations that his firing was improper. The internal complaint that became the basis of Romney's termination said Romney was insubordinate because he violated policy by not submitting overtime slips, even though McNicholas said officers are trained not to submit slips.

McNicholas said his firm has brought to trial several retaliation and harassment lawsuits against the police department on behalf of former officers, including a \$2.2 million jury verdict in a gender harassment suit in 2009, and a \$3.6 million jury verdict in a retaliation suit the same year.

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