



STEPHEN GERRISH

Special Counsel

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Practice Groups

- Employment
- Litigation
- Real Estate

Education

- Willamette University College of Law - J.D. 1974
Board of Editors, Willamette Law Journal
- Willamette University - B.A. 1970 (American Studies)

Memberships

- State Bar of California
- Idaho State Bar (Affiliate Member)

Biography

Steve joined the firm in 1974 upon graduation from Willamette University College of Law, where he was an editor of the Law Journal. His practice emphasizes strategic counseling, alternative dispute resolution, litigation and appeals, with a focus on employment, and the inter-related issues involving employees, investors, officers and directors, and all aspects of employment dynamics, from hiring through operational counseling and termination. He also has considerable experience in litigation, arbitration and mediation of real estate disputes, including those related to construction contracts, residential and commercial sales and lease disputes, and easement and co-ownership issues. His goal is to be efficient and practical. He has been a lecturer for the Continuing Education of the Bar (CEB) in civil procedure, employment, and wrongful termination, and has been a contributing author to the CEB on employment law and wrongful termination.

Representative Matters

- **Employment and Intellectual Property:** Lead counsel for large telecom corporation's successful investigation and litigation against group of employees who conspired to steal and commercialize internal engineering/manufacturing software at company's Silicon Valley facility. The representation involved close collaboration with the Santa Clara County District Attorney's High-Tech Crimes unit, private investigators, and the company's labor counsel and management, and resulted in injunctive relief and criminal prosecution.

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- **Construction:** Extensive experience working with owners, developers and contractors in reviewing, negotiating and drafting construction, design professional and construction management contracts, subcontracts and related documents in connection with residential and commercial projects, including working with AIA and other standardized forms, and in representing owners and contractors in construction claim, lien and defect litigation, arbitration and dispute resolution.
- **General Business and Strategic Counseling:** Acted as managing counsel for family owners of Silicon Valley semiconductor equipment manufacturing firm through five year process of dissolution and winding up of the corporation, sale of real estate and intangible assets, including Silicon Valley and out-of-state real estate, resolution of employment and benefit issues, negotiation with and ultimate redemption of minority shareholders, merger, and consolidation of assets into new family holding company.
- **Real Estate:** Trial and appellate counsel in a wide variety of real estate related claims, including residential and commercial real estate sales agreements, letters of intent, commercial lease disputes and construction related claims.
- **Trial Practice/ Distributorship Termination:** Obtained a \$5 million jury verdict with co-trial counsel in favor of our client, who had been a distributor of prominent high-end refrigerators for many years until the abrupt termination of its distributorship. The client sued for wrongful termination of the distributorship seeking lost profits, which the jury awarded after a lengthy trial and extensive evidence of economic analysis of lost profits and the relationship between the parties and the manufacturer's motivation for termination. The verdict was affirmed on appeal.
- **Arbitration/Limited Liability Member Dispute:** Successfully represented majority owners of local newspaper in litigation commenced by dissident minority member, involving attempted Superior Court litigation and ultimately successful arbitration on all claims, including wrongful termination, breach of editorial policies and construction and interpretation of numerous provisions of Operating Agreement, including executive compensation.
- **Appeals:** Successfully represented homeowners in responding to an appeal of a Superior Court judgment in their favor. In the action, the clients were sued by their contractor for fees, however the contractor was found to be unlicensed, due to a failure to maintain workers' compensation insurance, resulting in a judgment in favor of defendants and cross-complainants and awarding them reimbursement of all fees previously paid to the plaintiff contractor, punitive damages and attorneys' fees. *Wright v. Issac* (2007) 149 Cal.App.4th 1116.
- **Employment:** Act as primary employment counsel for private companies in a variety of businesses, including agricultural, real estate development, semiconductor equipment, media, manufacturing and professional services.
- **Appeals:** Managed the successful appeal of a trial court summary judgment in favor of our client who was sued for a breach of fiduciary duty, fraud, and conspiracy in connection with a business transaction involving the purchase of a hotel. Client's motion for summary judgment was granted as to all causes of action and the court of appeal affirmed the trial court ruling in full.

Articles & Publications

- *Terminating Tenants-In-Common Ownership - Partition Actions* ([PDF](#)) ([HTML](#))
- "Sexual Harassment in Professional Relationships: A New Statute and New Questions" CEB California Business Law Reporter 216, March 1996;
- "Construction Defect Litigation: The Playing Field Has Changed A Navigational Guide to Senate Bill 800" CEB Real Property Law Reporter 106, May 2003;
- Consulting Editor, "Advising California Common Interest Communities" CEB, 2003;
- Editor, "Advising California Employers" CEB

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Community

- **U.S. Ski and Snowboard Hall of Fame** – Former member of the Board of Directors
- **YMCA of the Mid-Peninsula** – Former member of the Board of Directors; past Board Chair; Red Triangle Award; and current Senior Director.
- **El Camino YMCA** – Former member of the Board of Directors; past Board Chair
- **Los Alto Educational Foundation** – Former member of the Board of Directors
- **Palo Alto Area Bar Association** – Past President, Vice-President, Secretary-Treasurer; former member of Legislation and Program Committees
- **Los Altos Mediation Program** – Former Community Mediator
- **Los Altos AYSO** – Former Commissioner