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Ex-UC Riverside Atty Wins \$2.5M Retaliation Verdict

By **Kat Greene**

Law360, Los Angeles (February 8, 2017, 6:42 PM EST) -- A Riverside County jury on Tuesday awarded a former University of California attorney a \$2.5 million verdict after a lengthy trial in her suit accusing the school of rampant gender discrimination and of retaliating against her for complaining, according to the verdict filing.

Michele Coyle had been chief campus counsel for the University of California, Riverside, for six years, enduring unfair treatment by the school's second-highest ranking administrator and the "good ol' boy" system that protected him, and then being fired after she blew the whistle on their discrimination in a federal employment audit, according to her complaint.

The jury found after a seven-week trial that Coyle was retaliated against for reporting the alleged gender discrimination, and that University of California general counsel Charles Robinson and former UC Riverside Chancellor Tim White had retaliated against her in violation of state labor code, according to a verdict form on Tuesday.

She was awarded \$2.5 million, including \$783,084 in past lost earnings, \$1.6 million in future lost earnings and \$72,506 in noneconomic damages after the jury concluded the university fired her when it feared she would disclose to federal employment auditors that gender discrimination complaints by herself and other women had gone ignored, according to the verdict.

"The UC system has an obligation to protect civil rights, and this behavior is not going to be tolerated," said Mira Hashmall, lead trial counsel for Coyle. "This was a hard-fought victory."

A spokesman for the Regents of the University of California said the university was disappointed to learn of the verdict.

"The university vehemently denies the allegations of retaliation made in the lawsuit, and is considering all legal options, including an appeal," the spokesman said. "The university remains committed to its longstanding policy prohibiting employees from engaging in discrimination against, harassment of, or retaliating against another UC employee."

The verdict for Coyle comes just days after another in-house attorney **won a big jury verdict** for retaliatory firing. On Monday, a California federal jury found that Bio-Rad violated whistleblower protections under the Sarbanes-Oxley Act when it fired its general counsel for reporting Foreign Corrupt Practices Act violations, awarding the attorney \$2.96 million in back wages and \$5 million in punitive damages. In that case, the jury found that former general counsel Sanford Wadler had reasonably thought the company's Chinese sales team had violated the FCPA — even though the company was later cleared — based

on beliefs that its distribution contracts didn't include anti-corruption language, that it had failed to keep necessary sales records, and that some items were given away for free, suggesting possible bribery.

In Coyle's case, the attorney alleged that she'd been hired specifically to take on campus problems including harassment, discrimination and hostile work environment, and that she was the only employment law expert and the only practicing attorney on the UC Riverside campus.

Several years into her tenure at the school, Dallas Rabenstein was appointed executive vice chancellor, where he began an alleged reign of discriminatory and harassing conduct, including calling women "biddies," saying in meetings he wanted to get rid of any senior female administrators, joking about not promoting women, and telling a female administrator with children that women with young children shouldn't be working and wouldn't be accommodated in the workplace, among other things, according to the March 2015 complaint.

When Coyle reported her concerns about Rabenstein's behavior, his supervisors — including the university system's general counsel — told him about her complaint and assured him they would not act on it, she said. Rabenstein and the male supervisors formed an "old boys' club" mentality in which they would regularly tell women they would be "better appreciated" elsewhere, according to the suit.

Coyle said she, other women at the school and victims of harassment who testified at administrative hearings were called "overly emotional" by one of the supervisors and told they had used "poor judgment" in raising their discrimination claims, according to the suit.

The situation came to a head in the fall of 2012 when the Department of Labor was about to conduct a Federal Contract Compliance Programs audit of the university's compliance with affirmative action regulations and equal opportunity compliance laws, Coyle said in her suit.

Rabenstein refused to fund analyses of faculty compensation to prepare for the audit, instead mischaracterizing data from earlier years and ordering staff to suppress and misrepresent the accurate data, according to the suit. Coyle went over his head to request the funding, and she was fired while the analyses were underway, she said.

She alleged in her complaint that she was replaced shortly after her firing in October 2012 by a younger male real estate attorney with no experience in employment law.

During the trial, Coyle and the university butted heads over whether the university's attorneys would be allowed to answer questions about a trial exhibit that had been redacted when the school claimed it was protected by attorney-client privilege.

Coyle argued in a filing seeking a contempt ruling against the defense attorney, Nancy Sheehan of Porter Scott APC, and the school's general counsel, Robinson, that Sheehan shouldn't have been allowed to question Robinson about an event discussed in the trial exhibit that was redacted, court records show.

A hearing on that filing is set for March 10.

Coyle is represented by Mira Hashmall and Casey B. Pearlman of Miller Barondess LLP.

The Regents of the University of California are represented by Nancy Sheehan of Porter Scott APC.

The case is Michele Coyle v. Regents of the University of California, case number RIC-

1503362, in the Superior Court of the State of California, County of Riverside.

--Additional reporting by Cara Bayles. Editing by Aaron Pelc.

Update: This story has been updated to include more details from the verdict form.

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