



Elisabeth A. Frater, AWI-CH

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Pronouns: she, her, hers

PRACTICES

Employment Law and Litigation

Law Enforcement Defense

Litigation

Public Law

Real Estate and Business Law

Workplace Investigations

EDUCATION

J.D., University of California,
Hastings College of the Law,
1988

B.A., Pitzer College, Claremont
Colleges, 1981

Study Abroad, American
University of Rome, 1980

ADMISSION

State Bar of California

United States Court of Appeals
for the Ninth Circuit

United States District Court for
the Central District of California

AFFILIATIONS

Beverly Hills Bar Association,
Labor and Employment Section
Executive Committee and
former Chair

Women Lawyers Association of

Elisabeth Frater is a Partner at Burke, Williams & Sorensen, LLP. She has over 30 years of **litigation** experience and has conducted complex internal investigations for over a dozen years. She represents both public and private-sector clients including cities, counties, private and public universities, state agencies and Fortune 5 companies in **employment law** and litigation, business litigation, administrative law, civil rights matters and criminal law. As a trial lawyer, she has successfully represented individuals, businesses, public officials and local and state governmental entities in more than 130 jury trials throughout California.

As certificate-holder from the Association of Workplace Investigators, Elisabeth is in demand as an investigator. She is accomplished at handling investigations in areas including discrimination, harassment, retaliation, disability discrimination, fraud, and workplace violence, and is skilled at handling high-profile cases involving public officials and law enforcement.

Elisabeth worked for the California Department of Justice, Office of the Attorney General, for over nine years, first as a Deputy Attorney General and then, as a Supervising Deputy Attorney General overseeing a team of litigation attorneys in the Civil Division.

Earlier in her career she was a prosecutor at District Attorney's offices in Sacramento, San Francisco and Napa, where she prosecuted felony and misdemeanor cases, conducted grand jury proceedings, and worked with municipal police departments, county sheriff's offices and other law enforcement agencies.

PUBLICATIONS

2023 Legal Trends

2022 Legal Trends

2021 Legal Trends

Los Angeles, Member
Past Hispanic Employees
Advisory Committee,
Department of Justice, Chair

2020 Legal Trends

REPRESENTATIVE MATTERS

Representative Civil Jury Trials

- ***Marshall v. California State University***, San Luis Obispo County Superior Court (16CV-0179). Represented the California State University Board of Trustees. Plaintiff Marshall was a tenure-track economics professor at Cal Poly's business college who brought causes of action for age, gender and marital status discrimination, and retaliation. After her seventh year of probation, Plaintiff submitted her application for tenure, which is lifetime employment. California State University had guidelines and procedures in place for tenure review. The first level of review was the peer review. The all-male peer review committee recommended tenure, despite having concerns about Plaintiff's peer-reviewed publications. The next levels of review were the Faculty Affairs Committee (FAC), and the Dean. Each member of the FAC was male, as was the dean. Both the FAC and the Dean recommended denying tenure. The final review was by the Provost, who was female and who decided against granting tenure. Plaintiff claimed the decision was motivated by bias against her gender, age and marital status. On May 13, 2019, a jury returned a 10-2 defense verdict in favor the California State University Board of Trustees.
- ***Ettie Kaufman v. California Department of Corrections and Rehabilitation***, Los Angeles County Superior Court (BC 445729). Represented the CDCR and two individual Defendant supervisors on religious discrimination and harassment causes of action. Obtained the dismissal of the causes of action against the individual Defendants through motions for summary judgment. Plaintiff, a pharmacist and lawyer, was hired as the Pharmacist in Charge at Lancaster State Prison. During her year-long probationary period, Plaintiff missed critical project deadlines, failed to supervise staff and refused to follow the proper chain of command. Following well-documented progressive discipline, Plaintiff failed probation. Plaintiff's cause of action for discrimination was based on claims of religious animus because of her practice of Orthodox Judaism. During the 11-day trial, Defendant CDCR offered evidence that it had accommodated Plaintiff's requests for days off on Jewish holidays, and that denial of her request for time off to attend her son's wedding on the Wednesday before Thanksgiving was based on institutional need. After three hours of deliberation, the jury returned a 12-0 defense verdict.
- ***Louis Kamel v. California Department of Corrections***, Kern County Superior Court (SC1500CV2). Represented the CDCR and an individual Defendant supervisor. Kamel was a contract psychiatrist at one of CDCR's institutions. He was arrested for driving under the

influence of alcohol while on call, and subsequently his contract was terminated. Kamel, who was born in Egypt, claimed that his discharge was based on racial discrimination and retaliation by the institution's Peer Review Committee and the individual supervisor. The Plaintiff claimed that a "Cat's Paw" theory applied to impose liability on the Peer Review Committee and hiring authority. After 30 minutes of deliberation, the jury reached a 12-0 verdict on behalf of CDCR and the individual Defendant.

- ***Janet Ochotorena v. California Department of State Hospitals***, San Luis Obispo County Superior Court, (14CVP0252). Represented the Department of State Hospitals and the individual Defendant supervisor on claims on discrimination and harassment based on sex and gender, retaliation, failure to prevent harassment, discrimination and retaliation, failure to accommodate in violation of FEHA and failure to engage in the interactive process. Plaintiff was a nurse at Atascadero State Hospital whose individual Defendant supervisor used a highly offensive sexual term to describe her in the presence of other employees. Plaintiff claimed that she suffered from Post-Traumatic Stress Disorder and was unable to leave her home or work as a result of her supervisor's actions. Sub-rosa surveillance footage obtained on behalf of the DSH demonstrated that Plaintiff was highly exaggerating her claims and damages. The jury returned a 9-3 defense verdict on behalf of the individual supervisor and the DSH.
- ***Katie Allison v. California Department of Corrections and Rehabilitation***, San Bernardino County Superior Court, (CIVRS 1400272.). Represented the CDCR. Plaintiff was an office technician at the California Institution for Men who accused a high-ranking officer of sexual harassment against her, including lewd acts, and accused the CDCR of failure to prevent sexual harassment. Subsequent to the filing of Plaintiff's lawsuit and resignation from the institution, the CDCR discovered she had been having an improper relationship with an inmate while employed at CDCR. The defense team obtained and reviewed hundreds of telephone recordings between the inmate and the Plaintiff and uncovered numerous admissions that she was setting up her former supervisor to obtain a money judgment. Due to a procedural issue, the court declared a mistrial, and the case was then settled for \$5,000.

Representative Investigations

- **In re: D.K.**, (Public University). Investigated sexual harassment and battery claims alleged against a physician who treated students at the university health care center.
- **In re O.C.D.**, (State Law Enforcement Agency). Three investigations related to allegations of bribery, corruption and misconduct against three high-level sworn officers.
- **In re E.L.**, (State Agency) Investigated an employee who was

alleged to have shown another employee pornographic images on his cellphone.

- **In re: N.S.**, (State Agency). Investigated an employee's claims that her disability was not accommodated, and that she faced retaliation for seeking a medical accommodation.
- **In re: J.W.**, (Public University) Investigated a student's claims that he was harassed and faced retaliation and discrimination as a whistleblower, and that an administrator failed to allow a formal grievance process.
- **In re: D.T.**, (Public University) Investigated allegations related to misappropriation of intellectual property.