

CONFIDENTIAL POTENTIAL CLIENT QUESTIONNAIRE

This is a confidential questionnaire designed solely for the use of the Berntson Law in analyzing and evaluating your prospective case. If we decline to take your case, it does not mean you do not have one. Accordingly, you should promptly consult with another attorney to ensure that you do not miss any deadlines for filing your claims.

Once completed, please return a copy of this confidential questionnaire by mail, fax or by email (as an attachment). Our contact information is as follows:

Berntson Law
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San Francisco, CA 94111
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415.963.3410 –fax
info@berntsonlaw.com

Berkeley Office:

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Berkeley, CA 94710
510.981.8013 –tel.
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BACKGROUND INFORMATION

1. How did you hear about the Berntson Law? (Check one)
 - Internet (Please identify which website or search engine, and which keywords you used, if applicable):
 - Referral (Please state the name of the person who referred you):
 - Other:

2. Contact Information
 - Name:
 - Home Phone:
 - Cell Phone:
 - E-mail Address:

- Home Address:
3. Name of Your Current Employer:
 4. Date you were hired by your current employer:
 5. You are seeking advice regarding your employment at:
(If you've been terminated, list name and address of former employer here)
 - What type of business is this?
 - How many employees work for this employer?

GENERAL INFORMATION

1. When were you hired by the company that terminated, harassed, discriminated or retaliated against you, or failed to pay you the wages you were owed?
2. When were you fired?
3. What was your title when you were fired?
4. What is your current salary (or your salary at the time you were fired)?
5. Do you have a written employment contract?
6. Does the company have an employee handbook or manual that provides for progressive discipline?
 Yes No I don't know
7. Does the company have an employee manual or handbook stating that your employment is "at will" and that you can be terminated for any reason?
 Yes No I don't know
8. Have you signed a form stating that you agree to submit all employment-related disputes to arbitration?
 Yes No I don't know
9. Are you a member of a union?
 Yes No

10. Have you filed a grievance with your union regarding this matter?

Yes No

NATURE OF DISPUTE WITH EMPLOYER

1. Please check the boxes that apply to your situation:

- Termination
- Forced resignation
- Discrimination
- Harassment
- Demotion
- Failure to promote
- Suspension (or some disciplinary action short of termination)
- Retaliation (including whistleblowing)
- Wage & hour violation (please describe):
- Other (please describe):

2. If you were terminated, what was the company's stated reason for terminating you? (If you were told it was a layoff, state the reason the company gave for selecting you for layoff instead of other employees that hold the same or similar positions.)

3. If you were terminated, please explain what you believe to be the actual reason you were terminated? (If you believe the company truly reduced its workforce, and eliminated one or more positions, please explain why you think they chose you for layoff instead of other employees that hold the same or similar positions. In other words, we want to know what you think the motive was, not what the company told you its reasons were.)

4. If you were laid off due to a reduction-in-force (or "RIF"), please list each employee that held a position similar to yours that was retained by the company when you were laid off. If your claim is discrimination based on age, race, gender, national origin, etc..., please also state the age, race, gender, or national origin of the employees that were retained. For each such employee, please also explain why you think that employee should have been laid off instead of you. For example, if you were laid off over an employee that had less seniority, less experience, less education or training, state that next to that employee's name (BE SPECIFIC).

5. If you were terminated for violating a company policy or rule (e.g., excessive absences, tardiness, theft, timecard fraud, unsafe workplace conduct, etc.), please

list each employee that you believe engaged in similar conduct, but was not fired for it.

6. Please list any supervisors or managers to whom you complained about discrimination, harassment, and/or whistleblowing, including the dates of all complaints. (Please indicate whether your complaints were written and if so, whether you have copies of the complaints.)

7. Did your employer follow company policy and procedure in handling your dispute?

Yes No I don't know

8. Do you feel that you were treated differently from other employees in similar circumstances?

Yes No I don't know

If yes, please explain.

9. Do you feel that race, sex, national origin, age, religion, sexual orientation, pregnancy, taking family medical leave, pregnancy, or disability (physical or mental) was the reason for this difference in treatment?

If so, please explain why:

10. If you believe that one of the above-mentioned characteristics might have motivated the company's actions, please describe in detail the facts upon which you base this conclusion. Possible evidence may include the following:

- Statements or remarks by management: examples of possible racial motivation might include racial comments, stereotypes, jokes or comments by management, or comments by co-workers, which management knew about. In addition, comments that you are not a "team player" might indicate a retaliatory motive.
- Others were treated more favorably in similar situations: if other employees who did not have your protected characteristic, i.e., were not of the same race, age, gender, or were not disabled, were in treated better in a similar situation, this may show discriminatory motive. For example, if you are a woman and were fired for being late, the fact that other male employees were also late but were not fired might constitute evidence of discrimination.

11. List the name, address and telephone number (if available) of any witnesses to the incidents described above:

12. List the names of any current or former employees who you believe have been treated like you:

13. Describe any documents that you believe support your case.

WORK PERFORMANCE

1. Did you receive written job performance reviews?

Yes No

If so, state the date of each evaluation and the rating you received. (Please also indicate whether you have copies of each evaluation.)

2. Have you received any awards, letters, memos or other form of recognition for doing a good job?

Yes No

3. Have you ever been disciplined, counseled or warned about problems with your work performance or regarding violations of company policy at any time during your employment?

Yes No

(If so, please state the date of each incident, the conduct for which you were disciplined, the type of discipline imposed, and whether you told your employer that you disagreed with the disciplinary action taken.)

4. Have you ever been terminated or asked to resign from employment before?

Yes No

(If so, please describe and include the reasons given for your prior termination.)

STEPS TAKEN TO RESOLVE YOUR DISPUTE

1. Did you inform anyone in management about your complaint?

Yes No

(If so, please state the date of your complaint to management, and the name/title of the person to whom you complained. Please also describe what, if any, actions were taken, with respect to your complaint.)

2. Does your company have an internal complaint procedure?

Yes No

If so, did you file a complaint? Yes No

- When?
- What was the result?

3. Have you filed a union grievance?

Yes No

- If so, what was the result?

4. Have you filed a charge with the Department of Fair Employment and Housing (DFEH)?

Yes No

- If so, when? What was the result?
- Have you received a “Right-to-Sue” letter? If so, when?

5. Have you filed a charge with the U.S. Equal Employment Opportunity Commission (EEOC)?

Yes No

- If so, when? What was the result?
- Have you received a “Right-to-Sue” letter? If so, when?

6. Have you filed a claim with the Labor Commissioner (or Department of Labor Standards Enforcement)?

Yes No

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- If so, when? What was the result?

7. If you were terminated or laid off, have you applied for unemployment benefits?

Yes No

- If so, when?
- What was the result?
- Did anyone appeal the initial decision of the unemployment office?
 Yes No
- If so, who appealed?

8. Have you examined your personnel file?

Yes No

- If so, please describe any facts contained in (or missing from) your personnel file.

FINANCIAL AND EMOTIONAL IMPACT OF THE DISPUTE

1. Describe the effect of your termination (or other action taken against you by your employer) on your income, pension benefits, profit-sharing, or other financial impact).

2. Describe the effect of your termination (or other action taken against you by your employer) on your personal life, family relations, and opportunities for other employment?

3. Have you sought any medical treatment or counseling because of your employment problems?

Yes No

- If so, please describe.

PRIOR CIVIL OR CRIMINAL LITIGATION OR CLAIMS

1. Have you previously filed a claim with the EEOC, DFEH or DLSE against your current or former employers?

Yes No

- If so, please describe the date and nature of the complaint, and how it was resolved?

2. Have you ever filed a lawsuit before or have you ever been sued before?

Yes No

- If so, please describe.

3. Have you ever filed for bankruptcy before, or are you considering filing for bankruptcy in the near future?

Yes No

4. Have you ever been arrested?

Yes No

- If so, please state the date, charge(s), and whether you were convicted.

5. Have you ever filed a workers' compensation claim for any injuries sustained at work?

Yes No

- If so, please state the date of the claim and the result.

6. Have you looked for a new job since your termination?

Yes No

- If so, please describe your efforts, including dates, the name of the companies you applied to, and the result of your efforts.