

Daily Journal

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TOP 40 UNDER 40

California's leading lawyers of 2018

Nicholas D. Jurkowitz

Jurkowitz defends physicians, therapists, pharmacists and other health care professionals before the state's Medical Board, the Board of Registered Nursing, the Board of Psychology, the Board of Pharmacy, the Physical Therapy Board and the Board of Occupational Therapy, as well as in superior court and the courts of appeal.

"I like what my firm and I do in this very niche area of the law," Jurkowitz said.

He is currently petitioning the California Supreme Court in an important case of first impression regarding the clash between state civil rights laws and the move toward compelled arbitration endorsed by the U.S. Supreme Court.

The case arose when client Gezel Saheli, a physician and native of Iran, immigrated to the U.S. enrolled in a medical residency program at a Los Angeles hospital and reported violations of federal health law and unsafe patient care and conditions to her superiors. Her complaint alleged retaliatory harassment and intimidation. "She signed an arbitration agreement when she went to work," Jurkowitz said. "But we don't believe it applies here."

Los Angeles County Superior Court Judge Randolph M. Hammock agreed in part, holding the agreement failed to comply with special requirements in California's Ralph Act and Bane Act for agreements to arbitrate civil rights claims. When the hos-



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Age: 35

pital appealed, Jurkowitz argued in favor of affirmance before the 2nd District Court of Appeal. The panel ruled against him, holding that U.S. Supreme Court precedent trumps California's laws. In a concurrence, one justice agreed that the federal high court favors arbitration, but questioned whether

the outcome in Saheli's case is just.

"California has a strong public policy to protect the public in these cases, including that civil rights issues belong in open court," Jurkowitz said. "The court of appeal has now all but invalidated these laws."

— John Roemer