

Brendan J. Begley

Certified Appellate Law Specialist



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Practice Areas

Civil Appeals & Writs
Employment Counseling
Employment Litigation
Labor & Employment
Litigation
Trainings
Trusts & Estates Litigation

BAR ADMISSIONS

- California
- Appellate Law Specialist certified by the State Bar of California Board of Legal Specialization

COURT ADMISSIONS

- U.S. Supreme Court
- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, Central District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Northern District of California
- U.S. District Court, Southern District of California

EXPERIENCE

Brendan is a shareholder who spearheads the Firm's Appeals and Writs group and is a member of the Firm's litigation, Labor & Employment, Trust, Probate, and Elder Abuse Litigation groups.

He is an Appellate Law Specialist certified by the State Bar of California Board of Legal Specialization.



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In Litigation, Brendan has worked on class actions and managed entire cases, including conducting witness interviews, preparing and responding to written discovery, arguing related motions, taking and defending scores of depositions, prevailing on numerous anti-SLAPP and dispositive motions, mediating many cases, and second-chairing trials to successful verdicts. At the appellate stage, he has handled both briefing and oral argument before all appellate courts, from the California Court of Appeal to the U.S. Supreme Court.

At Brendan's behest, appellate panels have reversed lower court decisions in various cases (including five that resulted in published opinions) and upheld rulings issued by lower tribunals. The U.S. Supreme Court granted Brendan's petition for a writ of certiorari that led to the high court hearing and resolving (in favor of Brendan's client) the famous "Pledge of Allegiance" case in *Elk Grove Unified School District v. Newdow*, 540 U.S. 945 (2003).

Brendan has experience in all aspects of civil writs and appeals, from filing the notice of appeal and designating the record to prepare briefs and making or opposing petitions for further review. As a judicial clerk for both state and federal appellate courts, he has literally reviewed and analyzed hundreds of appellate and amicus briefs. As a practitioner, he has handled over seventy different cases as lead appellate counsel.

Before joining Weintraub Tobin in 2010, Brendan worked for a large nationwide firm focused on labor and employment litigation. While there, Brendan worked on wage-and-hour and meal-and-rest-period class actions and collective actions, as well as single-plaintiff and multiple-plaintiff cases alleging wrongful termination, discrimination, harassment, retaliation, defamation, infliction of emotional distress, and denial of leave entitlements and/or disability accommodations.

Since joining Weintraub Tobin, Brendan has handled numerous appeals in various practice areas, including Family Law, Trusts and Probate Litigation, Employment Law, ERISA litigation, Anti-SLAPP Litigation, Commercial Litigation, Civil-Rights Law, and Personal-Injury Litigation.

Brendan has delivered numerous public presentations to lawyers, executives, managers, and supervisors on appellate law and best employment practices. He is admitted to the State Bar of California and practices before all courts in

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California. He is also admitted to practice U.S. Court of Appeals for the Ninth Circuit and the U.S. Supreme Court. Before law school, Brendan worked as a newspaper reporter for The Sacramento Daily Recorder and correspondent for other Daily Journal publications. While in law school, he worked as a law clerk at the U.S. Attorney's Office for the District of Hawaii. After law school, he served as a judicial clerk to the Hon. John M. Gerrard, then Associate Justice of the Nebraska Supreme Court, and later as a judicial clerk to the Hon. Connie M. Callahan, Circuit Judge for the U.S. Court of Appeals for the Ninth Circuit.

Brendan received his Bachelor of Arts degree, *cum laude*, from the California State University at Sacramento and his Juris Doctor degree (with honors) from the University of California at Davis, where he was a law-review writer. He also attended the University of the Pacific McGeorge School of Law, where his academic ranking won him admission to the Roger J. Traynor Honor Society. Brendan is a past member of the Anthony M. Kennedy American Inn of Court and past President of the Sacramento County Bar Association's Appellate Section.

Published Opinions

- *Re Marriage of Carlisle* (2021) 60 Cal.App.5th 244
Persuaded the state appellate court to affirm the trial court's decision to renew a domestic-violence restraining order because trial courts have jurisdiction to renew such orders while an appeal from the initial order is pending.
- *Miller v. Fortune Commercial Corp.* (2017) 15 Cal. App.5th 214
Persuaded the state appellate court to affirm the trial court's summary judgment and clarify when the Unruh Civil Rights Act, the Americans with Disabilities Act, and related regulations require grocery stores (and other places of public accommodation) to allow patrons to be accompanied by a service animal.

- *Barboza v. Cal. Assn. of Prof'l Firefighters* (9th Cir. 2015) 782 F.3d 1072, amended at 799 F.3d 1257 Persuaded the federal appellate court to reject the amicus position of the United States Department of Labor and reverse the federal district court's summary judgment in favor of the plaintiff because the defendant ERISA plan properly held assets in trust under 29 U.S.C. § 1103 and was exempt from the summary-annual-report requirement under 29 C.F.R. § 2520.104b-10(a).
- *Morning Star Packing Co., LP v. United States Dist. Court, E. Dist. of Cal.* (9th Cir. 2013) 711 F.3d 1142 Persuaded the federal appellate court to issue a writ of mandamus directing the federal district court to reverse its decision denying a bribery-scheme victim restitution under the Mandatory Victim Restitution Act.
- *Vergos v. McNeal* (2007) 146 Cal.App.4th 1387 Persuaded the state appellate court to reverse the trial court's decision to deny the defendant's anti-SLAPP motion to strike the plaintiff's meritless claim in a sexual harassment lawsuit because the challenged claim arose from protected activity, and there was no evidence to show that it had a likelihood of success.
- *United Services Automobile Assn. v. Pegos* (2003) 107 Cal. App.4th 392 Persuaded the state appellate court to reverse the trial court's summary judgment in favor of an insurer because there was a triable issue of fact as to whether the insurer had conducted a reasonable investigation before it rescinded an insured's policy.

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AFFILIATIONS & AWARDS

Sacramento County Bar Association Appellate Practice Section
Media Relations Officer and Board Member (2012-present)

Sacramento County Bar Association, Appellate Practice Section
President (2009-2012, 2020-present)

Sacramento County Bar Association, Appellate Practice Section
Member (2007-2009)

Anthony M. Kennedy American Inn of Court
Member (2005-2008)

Center for Youth Citizenship's High School Moot Court Competitions
Coach and Judge (2004-2009)

Meritas, Sacramento
Member

Awards

Sacramento Magazine's Top Lawyers List, 2015-2018, 2021, 2022 – Appellate

Northern California Super Lawyers, Appellate Law, 2013-2022

Sacramento Business Journal's, Best of the Bar, 2018

EDUCATION

J.D., *with honors*, University of California, Davis, King Hall School of Law, 1998

B.A., *cum laude*, California State University, Sacramento, 1992