

Switch to employment law field served as launchpad for Sacramento attorney



By Brian Cox

In the final semester of her third year in law school, attorney Jizell Lopez had an existential crisis.

During an internship, she encountered a particularly egregious criminal case the law firm was defending and it cast Lopez's career plans into turmoil. She had envisioned herself practicing criminal law since she was a child. Inspired by crusading attorneys as portrayed on television and by a profound family experience, Lopez says a career in criminal law was all she had ever considered. Abruptly, she found herself questioning her career path.

"I had a moment where I woke up and thought, I don't want to do this for the rest of my life," recalls Lopez. "It was hard to accept because for so long I had a picture in my head that I was going to do criminal law."

It was a scary moment. If she didn't want to practice criminal law, what other options should she consider?

She returned to her childhood and regular conversations around the dinner table for the answer. Her father was a labor relations consultant who worked with businesses where the employees were considering unionizing. Her mother managed



Attorney Jizell Lopez has a close and special relationship with her grandparents, Manuel and Julieta.

a dental office for years and later ran her own human resources consulting firm. The two often discussed their workdays over dinner.

"I remember my mom and dad talking about human resources and it really shaped my viewpoint tremendously," Lopez says. "It gave me a unique perspective beyond the law."

She decided to explore employment and labor law, which her parents had encouraged from the beginning, and soon discovered a familiarity with it and that she had a knack for it.

"I fell in love with the law, the practice and the psychology of it," she says.

Existential crisis averted.

Though born in a military hospital in Biloxi, Miss. while her father was serving in the Navy, Lopez considers herself a Southern California native. The family moved to the wine country of Temecula, Calif., when she was less than a year old. A second-generation immigrant, Lopez's parents were born in Mexico, both coming to the United States when they were young. As the oldest child in her extended family, Lopez was the first to go to college.

"As you can imagine I had a lot of responsibility and expectations growing up," she says, adding that she embraced the role. "I liked being relied upon. I liked that my parents trusted me."

When she was in the seventh grade, her maternal grandfather, Manuel, who had come to the U.S. in 1971, was deported. The family was devastated and Lopez had a difficult time understanding why her grandfather had to leave the country.

"He was like a dad to me," she recalls. "He was the most positive, happiest individual I've ever met in my life. He was always the life of the party. He was an incredible, incredible man."

Her grandfather's deportation enflamed Lopez's sense of justice and she traces the origin of her intent to become an attorney to the feeling that her grandfather had not been treated fairly.

Lopez's parents ingrained the importance of education in her head. She was always heavily involved with school activities and clubs. In high school, she participated in a program called "We the People," which involved competing to demonstrate knowledge of

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In the fourth grade, Jizell took a class field trip with her mother, Manuella, to the state capitol in Sacramento. She couldn't have imagined that one day she would have an office only blocks away from the capitol building.

the U.S. Constitution. Her team won regionals and competed for the state championship.

"Ever since I can remember, I always liked law," she says, adding that she remembers as a 9-year-old being enthralled with the 2000 presidential debates. "My parents always told me I would be a great advocate."

Lopez earned a degree in political science from California State University, Fresno, before attending California Western School of Law in San Diego. She briefly clerked with a solo practice before passing the bar and then began working as an assistant labor relations consultant. After a year, she accepted a position with Saqui Law Group, a firm that primarily focused on the agricultural industry and represented growers, packers, and shippers with their labor and employment issues.

"I'm so grateful for my time there. I learned so much," says Lopez. "It was difficult work. The ag industry runs rampant with labor violations."

After two years in defense, Lopez decided to try plaintiff's work and joined Mastagni Holstedt in Sacramento. But she quickly learned that she preferred defense work.

"I'm defense oriented," she says. "It's just how my mind works."

In the fall of 2021, Lopez was presented with an offer to join Wilke Fleury LLP in Sacramento and to help build its labor employment practice group. It was a challenge she couldn't pass up.

"It was a very unique opportunity, in my opinion, where I have a say in where I want the practice to go," she explains.

At Wilke Fleury, one of the Sacramento's oldest and largest law firms, Lopez primarily represents employers in federal and state court litigation and before administrative agencies regarding all manner of employment claims, including single-plaintiff lawsuits,

class action lawsuits, and wage and hour representative lawsuits. Her client base runs the gamut from corporations to mom-and-pop shops.

"I like that we are a full-service defense litigation firm," she says, adding that attorney Steve Marmaduke, who is Of Counsel at the firm now, has been an invaluable mentor. "He's made me so comfortable."

In the past four or five years, Lopez says she has been troubled by a trend of juries reaching exorbitant verdicts.

"Jury verdicts have gone rogue when it comes to discrimination and retaliation complaints," she says. "People don't like employers, especially in the big cities. Even with a perfect defense, we are seeing routine million-dollar verdicts. It's putting a lot of my clients in a tough spot."

As a way of curbing an onslaught of frivolous claims, Lopez says she would like to see the institution of a two-way fee shifting provision.

"I don't think it's fair that employees can just bring these claims and then if they win, they get all their attorney fees," she says with conviction. "I think if we get a full defense verdict, we should be entitled to all our fees and costs. I think that'll stop frivolous claims."

She is also a passionate advocate for repealing California's Private Attorney General Act (PAGA), which authorizes aggrieved employees to file lawsuits to recover civil penalties on behalf of themselves, other employees, and the State of California for Labor Code violations. PAGA was enacted in 2004 in response to the state lacking the necessary resources to investigate claims. Lopez believes the act is being exploited by plaintiff's attorneys and threatens to paralyze businesses.

"PAGA doesn't really help the employees," she says. "It doesn't



Jizell and Kelly have been married for two years and only in April took their honeymoon to Seville, Spain.

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actually put money in their pocket. Plaintiff's attorneys are the real winners under PAGA."

Lopez and her husband, Kelly, first met in their 10th grade AP European History class. They reconnected in college and married in 2022. He is an assistant director of marketing for the UC Davis Athletic Department.

"During football season, I do not see him," she jokes.

As a couple, they enjoy cycling, kayaking, and hiking with their dog, Kaia, a chihuahua-Rhodesian ridgeback mix with one blue eye and one green eye.

In November of last year, Lopez was promoted to senior counsel. She hopes to continue expanding her practice, which she believes is a "lucrative area of the law, especially in California where we are such an employee friendly state."

Lopez, who currently serves as treasurer of the Cruz Reynoso Bar Association, says the choice to focus her practice on labor and employment defense is because even when employers have the best intentions, there are too many instances that result in costly and time-consuming litigation that could have been prevented or mitigated.

"I personally enjoy the counseling aspect," she says. "My passion is the mitigation of employment issues and that starts with management. It starts with having the correct policies in place and treating your employees properly. If you do all that, you likely won't be facing lawsuits. That is where I really enjoy my job."



Jizell and her husband, Kelly, enjoy cycling, kayaking, and hiking with hiking with their dog, Kaia, a chihuahua-Rhodesian ridgeback mix.