

Jury Awards Ousted General Counsel \$8M

A federal jury awarded the former general counsel of BioRad Laboratories \$8 million in back pay and damages – which will increase to \$11 million – for whistleblower retaliation involving potential bribery in China, according to a **Courthouse News article**.

Sanford “Sandy” Wadler won \$2.96 million for economic losses and \$5 million in punitive damages. Because the Dodd-Frank Act allows double back pay damages for whistleblower retaliation, the back pay award will increase to \$5.92 million, bringing the total to nearly \$11 million, explains reporter **Nicholas Iovino**.

Wadler sued Hercules, California-based BioRad Laboratories and its CEO Norman Schwartz in May 2015. He alleged he was fired in June 2013 for reporting potential bribery in China, a violation of the Foreign Corrupt Practices Act.

David A. Nenni and **Jessica L. Sussman** of Jackson Lewis also wrote about the verdict in the firm’s Corporate Compliance and White Collar Advisor blog:

This case implicates a number of key issues confronting companies and their in-house legal teams, including: (1) protections and scope of the attorney-client privilege; (2) what constitutes protected activity from an in-house attorney or compliance officer; (3) the importance of consistent and timely performance critiques; and (4) preparing adverse employment decisions to be scrutinized by a judge, jury, or arbitrator. The case also highlights the existing split among federal courts regarding what constitutes a “whistleblower” under the DFA.

Read the Courthouse News article.

Read the Jackson Lewis blog item.

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