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Complementary Talents

Health care and employment boutique Carlson & Jayakumar's founders capitalized on synergistic specialties.

By Matthew Sanderson
Daily Journal Staff Writer

NEWPORT BEACH — Carlson & Jayakumar LLP specializes in employment and litigation in the constantly evolving area of health care law.

“What makes us distinct is that we can do straight employment cases, straight health care cases, which doesn’t mean malpractice, we don’t do that, and we can overlap between the two,” said Keith W. Carlson.

Carlson met Jehan N. Jayakumar in 2004 when they worked at the firm now known as Carothers DiSante & Freudenberg LLP. Carlson had been there since 2000, and the two worked closely together for about three years. They left in 2007 to start their own firm.

“My employment practice had started to pick up on the emphasis on health care-related clients,” Carlson said. “I was dealing with physician compensation issues and the structuring of practices and employment agreements as well as the litigation that can be tied to that.”

As the health care component of his practice grew, Carlson found himself dealing with issues most employment lawyers don’t see.

“A lot of health care attorneys don’t have California employment law considerations,” he said.

When Carlson and Jayakumar connected, they felt a strong synergy. They wanted to work together on what Carlson calls hybrid issues. They have the same specializations, with Carlson leaning on the health care side and Jayakumar leaning on the employment side.

“We enjoy working with employers in probably the toughest environment in the country,” Jayakumar said.

Almost all of Carlson’s clients followed him to the new firm. Their client base steadily grew from there.

“We weren’t ever really starved for clients, but we did have to quickly learn the business of law infrastructure, and the underbelly of administration was a challenge,” Carlson said.



Tom Kurtz / Special to the Daily Journal

From left, Jehan N. Jayakumar and Keith W. Carlson at their Newport Beach office

As the firm grew, the complexity of the cases did as well. On the health care and employment side, Carlson said they are encountering an issue that perhaps has not been seen much in California or elsewhere.

“There’s kind of a level of satisfaction that comes from being able to deal with those complex issues and ... every client causes you to learn a whole new industry and business,” Carlson said.

The lawyers hired no staff until several months after launching the firm. Generating bills was an early challenge, Jayakumar said. Today the firm has more than 10 attorneys and a full staff.

“Now we have a different perspective and think we can relate better to our clients because I often tell them this is what I do at my firm, whether it’s a payroll issue or a break issue,” he said.

Senior associate Erika Iler started in 2014, coming from Sheppard, Mullin, Richter & Hampton LLP. She worked on regulation matters for aerospace and defense industries and performed corporate investigations.

Carlson & Jayakumar offered her growth opportunities in health care and employment practice, she said. Iler said she likes the challenge and the ability to service a variety of clients that may not ordinarily receive service from a larger firm.

“We’re able to provide cost-effec-

tive solutions for a variety of clients, whereas if you’re working at a larger firm, you’re kind of tied down to billing rates,” she said. “If you’re a health care provider, you need somebody who has health care expertise to provide you advice on employment issues, so you need to have knowledge on both areas.”

Carlson & Jayakumar represent some of the largest hospitals in Southern California and also sole proprietor doctor’s offices. They represent all types of licensed professionals in the health care sector, including surgeons, physical therapists, chiropractors, acupuncturists, dentists, massage therapists, and nurses.

They represent many providers against insurance companies.

The firm also handles state licensing board actions, in which a professional faces discipline for criminal actions outside their practice. Examples include domestic violence, driving under the influence, shoplifting, billing fraud and sex crimes against a patient.

“We have been more involved with criminal defense counsel, who are positioning their client’s case maybe for a plea bargain, but more and more people are realizing that what we plea to in a criminal case could affect their livelihood and their ability to practice medicine,” Carlson said.

The University of Southern Cali-

fornia hospital system is a client. An illegal protest at one hospital affected staff and patients, Carlson said.

The firm obtained a restraining order, followed by a preliminary injunction and then a permanent injunction to keep the protesters off the property. *Keck Hospital of University of Southern CA v. United Brother*, BC626246 (L.A. Super. Ct., filed June 7, 2016).

In another case, they persuaded a state appellate court panel that an employer might combine rest breaks, Jayakumar said.

“The Court of Appeal did say that there are certain situations where a combined rest break may be permissible for an employer in California, so instead of having a 10-minute break in the morning and 10 in the afternoon, you provide a combined 20-minute rest break,” Jayakumar said, adding the matter is going to trial next year. *Juan Rodriguez v. EME Inc.*, B264138 (Cal. App. 2nd Dist., filed April 22, 2016).

Mark T. Quigley, partner at Greene Broillet & Wheeler LLP, said during the course of three years of intense litigation with Carlson and Iler, he found them to be superior lawyers, hardworking and exhibiting the utmost honesty and integrity.

“It is a pleasure to practice law when your adversaries are of such high quality that you can count on their word and not have to become immersed in senseless battles over non-issues,” Quigley said. “They bring the issue to the table and deal with it. For a boutique law firm, they are a powerhouse to be dealt with. In addition, they are simply nice people and a pleasure to work with.”

Kashif Haque, a founding partner at Aegis Law Firm PC, has gone up against Carlson & Jayakumar several times over the years.

“As opposing counsel, I have found them to be pleasant to deal with, but tough and knowledgeable at the same time,” he said. “This is not only a good combination for their clients, it also makes our job a little easier as well when we are dealing with lawyers who regularly practice employment law.”