



HOPE RESTORED

How a referral from the SDCBA's Lawyer Referral & Information Service (LRIS) led to a landmark workplace harassment plaintiff's verdict

By Ron Marcus

"We'll call this person 'The Harasser.'"

"Yeah. That's a nice term for him. It was a lot more than that, but yes, we'll call him 'The Harasser.'"

That was Felicia Horton's response to a comment from her lawyer of four years, wage, labor, and employment attorney Thom Diachenko, as they spoke with us about her case — a case that, before the two of them met through the SDCBA's Lawyer Referral and Information Service (LRIS) in 2016, seemed beyond hope for her.

The story starts with Felicia trapped in a job that had become a daily horror show. She felt trapped because she was the primary breadwinner for her family of six. Being unemployed for any length of time would have spelled significant hardship.

She knew what was happening wasn't right — from her classification as an independent contractor to the way her boss treated her. And she wasn't the only one. Many women in her office had suffered similar treatment — the yelling, the berating, the grossly inappropriate language, even physical abuse. The abused women who spoke up were forced out. Indeed, there were several complaints lodged with the company's HR department that had gone nowhere. The female employees who remained were too afraid to speak up. These women were bound by a common experience, yet Felicia was tragically alone in trying to do something about it.

With the abuse taking a serious toll on her health, Felicia summoned the courage to find a lawyer. She started with a Google search. But every lawyer she reached out to either ignored her inquiries or told her not to waste their time.

Just about out of hope, she received a tip from a friend to contact the SDCBA's LRIS.

When LRIS Specialist Holly Thomas picked up the call, she could hear the desperation in Felicia's voice. Holly's training and years of experience kicked in as she helped Felicia feel more at ease, asking her the questions that would identify the right type of lawyers to refer to Felicia. One of those was Thom Diachenko. Fortuitously, Holly had recently gone through an LRIS-sponsored training with Thom regarding wage, labor, and employment law, and it felt obvious to Holly that this matter was appropriate to refer to him.

As Felicia started to contact the lawyers that had been referred to her, she was so exhausted by this point that she felt resigned to just accept her situation and try to move on. But then, Gina from Thom's office returned Felicia's call and said she thought Thom would want to talk with her. And within ten minutes, Thom called Felicia.

Thom knew right away there was a righteous lawsuit to pursue — for harassment and misclassification, at a minimum. The Harasser required Felicia to come into the office frequently, often for hours on end — where she was forced to endure physical, sexual, and verbal abuse. She also had to pay for all work-related expenses (car, gas, office equipment, supplies, gifts for customers, etc.) as well as the fees of company-mandated appointment setters.

The case took four years to litigate, which included grueling depositions, and a 4-week trial designed to break Felicia down by the deep-pocketed corporate conglomerate and its lawyers who vigorously defended the indefensible behavior of Felicia's boss. Several times, Felicia considered quitting. But with Thom's kind reassurances, they pressed on, and ultimately prevailed. The court awarded ~\$2.5 million in damages for Felicia's claims. Most importantly, she courageously took a stand, not just for herself, but for all women who are forced to silently suffer this unrelenting workplace abuse, which needs to stop. Thanks to Felicia's fortitude and perseverance, and the unwavering support of LRIS panelist Thom Diachenko behind her, hope has been restored.



The SDCBA's Lawyer Referral and Information Service (LRIS) made more than 28,000 client referrals to attorneys in more than 40 areas of law in 2020 alone, resulting in nearly \$7 million in legal fees earned in one year. To learn more about joining an LRIS panel, please visit: www.sdcba.org/joinlr.



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