

# Daily Journal

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## TOP HEALTH CARE LAWYERS 2020



### Dawn M. Irizarry

**I**rizarry, a partner at Carothers DiSante & Freudenberger, represents health care industry employers, including hospitals, medical technology companies, physician specialty groups and urgent care centers. She is chair of the firm's health care practice group.

Clients include Cedars-Sinai Medical Center and DaVita Medical Management LLC. She is a member of the California Hospital Association.

The coronavirus pandemic hit home the night of March 15. As Irizarry was at a hotel preparing for the start of a major arbitration the following day, word came the proceeding had been postponed over health concerns for the participants.

"Things evolved so rapidly," she said. "My daughter's school had closed the week before, and the governor had made increasingly serious announcements. JAMS and the AAA had posted instructions not to show up at hearings if you have symptoms. The pandemic was coming on fast and furious, but I think we didn't all fully understand what was happening."

Reality struck. "People were being impacted. This is real life. I had had misgivings: my daughter had a cold. Should I disclose that? Shutting down the arbitration was a bit of a relief from a health perspective, but we

work very hard to get ready for these things. To have it postponed came at a significant cost. It's a big mess."

While part of her practice is on hold, Irizarry is fielding questions from clients about the altered legal landscape for care providers.

"Can they require temperature taking of staff? How do you handle furloughs and vacation pay when workforce reductions are necessary? We're conducting mediations by video and looking at hospitals' staffing concerns. For hospitals things are really dynamic right now. They're operating at full speed ahead when resources are strained."

In an earlier win for Cedars-Sinai Medical Center, Irizarry successfully defended the hospital against claims by a 16-year employee that administrators retaliated against her for filing a workers' compensation claim and discriminated against her based on her claimed disability. After obtaining summary judgment from a trial judge, Irizarry defended the outcome before a 2nd District Court of Appeal panel, prevailed, and was awarded costs on appeal. *McKellar v. Cedars-Sinai Medical Center*, B285462 (2nd DCA, op. certified Jan. 29, 2019).

"This was a long-term employee, and it boiled down to her not wanting to report to a certain person who had criticized her. She had a reaction to that,



**FIRM:** CAROTHERS DISANTE & FREUDENBERGER LLP

**CITY:** LOS ANGELES

**PRACTICE:** EMPLOYMENT DEFENSE LITIGATION

took leave and cut off all communications with the hospital. But they're not obligated to read her mind," Irizarry said.

She's seen the pattern before. "Some of these termination cases seem pretty basic, but longer-term employees try to argue claims based on their longevity on the job, not on the law."

— John Roemer