



## Would Filner Last in Corporate America?

News

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David Monks, a partner in the San Diego office, provided commentary in two separate articles about the recent controversy surrounding San Diego Mayor Bob Filner.

The Mayor is facing allegations of sexual harassment by several female staff members. Filner is fighting the charges and refusing to resign.

In the July 24 *U-T San Diego* article "[Would Filner Last in Corporate America?](#)"

David noted that any controversy of this kind in a corporate environment is not good for productivity.

"When people perceive that the company is not doing anything or not doing enough to address a hostile work environment or other type of sexual harassment, they will be distracted from doing their jobs, and there is a trickle-down effect on productivity."

He noted that those who work for Filner can only watch as the mayor fights the allegations, he quits or is recalled.

"Even if they're not being directly targeted or affected, they can be impacted by the negative atmosphere.

The bad thing is if they're good employees, the company is losing good assets. Turnover is an issue. Absenteeism is an issue."

In the *La Jolla Light* article "[Harassment: How To Handle Unsolicited Sexual Advances](#)" David noted some of the reasons that sexual harassment victims might not want to come forward.

One reason is that they may have already contacted a lawyer who suggested they not speak about it.

"The attorney might not be ready, even if the client is, for the case to start getting that type of open disclosure until their investigation is complete. The attorney presumably would collect information from the client, but also have interviewed employees or former employees that may know something about the conduct, before going forward with any legal action."

David also noted that to avoid a he-said/she-said situation, the most powerful evidence for an HR director all the way up to a lawsuit, is documentary evidence and witness testimony.

Documentary evidence, such as e-mails, photos, images or written messages that contain inappropriate remarks, are “almost impossible to refute.”

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