

Attorney Profile

Peter C. McMahon



Mr. McMahon is a founder of MCMAHON SEREPCA LLP, a distinguished litigation boutique law firm dedicated to providing its clients with exceptional service, creative solutions, passion and excellence in representation. In addition to representing clients in complex business litigation, he also provides counseling to a broad range of high-tech companies.

Prior to founding the firm, Mr. McMahon was with the preeminent law firm of Orrick, Herrington & Sutcliffe LLP ("Orrick"). His tenure with Orrick spanned seven years, where as a member of the Employment Law Department he gained expertise in:

- *Intellectual Property Litigation.*
- *Employment discrimination litigation;*
- *Electronic Communications Privacy Act (ECPA), email monitoring and other privacy issues related to employment;*
- *Class action wage and hour litigation;*
- *Retaliation and Whistleblower litigation;*

Mr. McMahon has extensive experience counseling employers in cutting-edge legal issues presented by the introduction of the Internet into the workplace, and the impact of technological advances on workplace privacy and its potential for liability to employers. Because of Mr. McMahon's interest in high-tech legal issues, he has also gained significant experience in Intellectual Property litigation, representing several clients in trade secret, software licensing and patent matters.

His litigation excellence was recognized in June 2001, when he was tapped by Orrick to defend the firm in a disability discrimination case filed against Orrick in San Francisco. Mr. McMahon co-chaired the two-week jury trial, wherein the trial team obtained a jury verdict in favor of Orrick. In 1998, he appeared as lead trial counsel in a two-week workplace violence jury trial, where he also prevailed for his client. Mr. McMahon has also successfully represented numerous clients in administrative proceedings before the California Department of Fair Employment and Housing ("DFEH").

From 1990 through 1996, he was an Assistant General Counsel with the Department of Defense (Defense Investigative Service) in Washington, D.C., where he was responsible for litigation, advice and counseling. During his tenure, Mr. McMahon successfully obtained numerous defense verdicts in lawsuits tried before the Merit Systems Protection Board (MSPB) and Equal Employment Opportunity Commission (EEOC), which included claims of sexual harassment, discrimination, and wrongful termination. In July 1996, he received a Distinguished Service award, recognizing his significant contributions to the Office of General Counsel.

In addition to his extensive litigation experience, Mr. McMahon has authored and published several papers, including:

- *Wrongful Termination: Whistleblowing & Retaliation* (Nov. 2002) (NELI Employment Law Conference 2002).
- *Fall-Out After Enron: An In-Depth Analysis of Sarbanes-Oxley and Whistleblower Law* (Oct. 2002) (21st Annual Seminar for Employers).
- *Retaliation Under the EEO Laws* (Oct. 2002) (21st Annual Seminar for Employers).
- *Race, Religious and National Origin Discrimination* (Oct. 2001).
- *Enforcement Issues in Securities Law & The Internet: Doing Business in a Rapidly Changing Marketplace*, at 265 (PLI Corp. L. & Prac. Course Handbook No. B-1127 June-July 1999).
- *Chapter 3: Wage and Hour*. (1998) (California Employment Law Deskbook).
- *Sexual Harassment Investigations for Employers* (1998) (Annual Seminar for Employers).
- *Expert Polygraph Evidence and Questioned Document Experts* (co-author, Aug 1998) (American Bar Association – Section of Labor and Employment Law).
- *An Employer's Right to "Private" Information* (Oct. 1997) (Personnel Law Institute).
- *Recent Developments Re: The Family Medical Leave Act* (co-author) (May 1997) (NELI Employment Law Conference).

Prior to enrolling in law school (from 1987 through 1989), Mr. McMahon worked with the Police Foundation, a law enforcement research think-tank. Along with other researchers and scholars, he contributed cutting-edge solutions to the most pressing and difficult problems facing the legal community.

Mr. McMahon earned his B.A in Law Enforcement from the University of Maryland in 1986, and his Juris Doctor from Catholic University in 1992. In 1995, while he was with the Department of Defense, he was a Master's Degree candidate at Georgetown University, in the National Securities Studies Program (School of Foreign Service). Mr. McMahon abandoned the pursuit of his Master's Degree when he moved to the West Coast in 1996 to join Orrick.