

JENELL VAN BINDSBERGEN

PARTNER

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EDUCATION

J.D., San Joaquin College of Law

B.A., California State University, Fresno

PRACTICE AREAS

Litigation
Labor & Employment

LOCAL GOVERNMENT BAR
ADMISSION
California

OVERVIEW

Jenell Van Bindsbergen is a Partner in Lozano Smith's Fresno office and co-chair of the firm's Local Government Practice Group. In addition to local government and labor and employment issues, she is also experienced with matters relating to the Americans with Disabilities Act, Family and Medical Leave Act, Pitchess motions, OSHA matters, code enforcement, harassment, and discrimination issues, layoffs, administrative and court trials for certificated, civil service and classified dismissals, public safety and grievance issues.

Ms. Van Bindsbergen has practiced law on behalf of public agencies for more than 20 years. She is an experienced litigator on behalf of public agencies and has 20 years of experience representing Fresno County area cities. She provides a full range of legal advice and services in all aspects of municipal, finance and public agency law. She represents both municipal agencies and school districts in personnel and safety compliance litigation.

In addition to attending city council meetings and advising city councils with regard to legal matters affecting their cities, Ms. Van Bindsbergen has worked with police departments on Pitchess motions, POBR/FOBR issues, records, personnel matters, policy updates, search warrants and other code enforcement issues. Ms. Van Bindsbergen has represented police and fire departments on personnel matters including litigation, implementation of personnel policies, bids for departmental purchases, and implementation of the Police Officer Bill of Rights and Fire Fighter Procedural Bill of Rights

SIGNIFICANT CASES

- > In *Govan v. City of Clovis*, Lozano Smith successfully obtained dismissal of several constitutional and other statutory claims asserted by a plaintiff business operator against the City of Clovis individual City police officers, where the plaintiff challenged the City of Clovis' sign ordinance and its enforcement.

- > In *City of Clovis Police Department v. The Superior Court of Fresno County Appellate Division*, California Court of Appeal Case No. F07085, Lozano Smith successfully defended the City after a defendant appealed a ruling from the trial court denying an in camera review for failure to meet the standards required under California Evidence Code section 1043 and Pitchess. Following approval of the Defendants appeal by the Superior Court Appellate Division, Lozano Smith filed a writ of mandate with the 5th District Appellate Court, on behalf of the City, alleging various procedural errors and misapplication of the law. The 5th District Court found good cause to vacate the Superior Court Appellate Division Order.

ADDITIONAL EXPERIENCE

She has organized and litigated many cases including preparation of complaints, answers, correspondence, mediation/arbitration, summary judgments, motions and all phases of discovery, interaction with clients and co-counsel, statute calendaring, trial preparation and trial. Ms. Van Bindsbergen has also represented various cities and school districts in matters of ADA, FMLA/EFRA and other personnel matters.

ADMISSIONS AND AFFILIATIONS

She is admitted to practice before the U.S. District Court, Northern, Eastern and Central Districts. Ms. Van Bindsbergen is a member of the League of California Cities and the International Association of Chiefs of Police