

# SAN FRANCISCO BUSINESS TIMES

COVER STORY

# A PLAYBOOK FOR 2022

**BUSINESSES ARE  
STARING DOWN A  
HOST OF  
CHALLENGES AND  
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IN THE COVID-19  
ERA. HERE'S A  
GAME PLAN FOR  
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# EXECUTIVE PROFILE

Interviews with the biggest business executives, thought leaders and changemakers in the Bay Area



## AMY OPPENHEIMER

MANAGING PARTNER, OPPENHEIMER INVESTIGATIONS GROUP

**A**my Oppenheimer isn't afraid to blaze her own trail. She left an administrative judicial post to start her own law firm and later formed Oppenheimer Investigations Group, a law firm that specializes in investigating claims of workplace and school harassment and provides training and coaching, expert testimony and mediation. She also founded a professional organization for workplace investigators that has expanded to an international membership of more than 1,500. She tackles high-profile, difficult cases with tenacity, most recently serving as an expert witness in a case against Tesla that involved the racial harassment of an ex-employee. This resulted in the company being ordered to pay \$137 million, one of the largest awards in a case of this kind. I caught up with Oppenheimer to get insight on her career and what she looks forward to as she helps raise up other young leaders in the law.

**How has the law field changed over time? How have you had to adapt along the way?** My adaptation to the law has been more in the role I have played than the law itself. I started out representing employees who experienced harassment or discrimination at work but found that I wanted to help improve workplaces, which litigation seldom does. I segued first to training employers and employees about harassment, and then to investigating those com-

plaints. During these 40 years, the law in this area has changed to put a focus on prevention and response. The synergy of my interests in prevention and the law's emphasis on an employers' obligation to do so, has worked out perfectly.

**Why did you get into workplace harassment as a specialization?**

As a young woman growing up in New York in the 1970s I was pretty tough – by age 11 I was taking



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the subway to school in Spanish Harlem every day, and by 15 I was taking it to the Lower East Side to work at off-Broadway theaters. But I hated being subjected to whistles, catcalls and occasional grabbing. I found it intrusive, dehumanizing and scary. Fast forward 10 years to me as a young feminist lawyer, when I thought I could do something about this and that representing women who had been harassed or abused was a way I could make a difference.

**What is your favorite part of your job?** I like to problem solve. I enjoy helping a business owner, or their attorney, figure out how to approach

a problem in a way that makes sense for everyone involved. I often advise people not to hire me because mediation or training may make more sense than an investigation. Finding a cost-effective solution for someone is a joy.

Equally, I take pleasure in articulating why people are in dispute and what they might need to understand about a problem to move past it. I do that on calls with clients, in written reports and one-on-one counseling with powerful people who haven't learned how to conduct themselves appropriately at work. I can be direct and clear while also being compassionate so that people listen and, sometimes, change.

Amy Oppenheimer, managing partner at Oppenheimer Investigations Group, moonlights as a playwright and is working on a play that intersects the law, racial justice and workplace harassment.

**The Tesla case was probably one of the most high-profile regarding racial harassment at a workplace. How will the outcome impact future cases of its kind?** I hope that employers will take prevention and response more seriously – the cost of not doing so is high indeed! When they don't and cases go to trial, people shouldn't underestimate the harm that harassment – both sexual and racial – can cause.

**Who were your role models that have instilled a drive in you to achieve your accomplishments?** Bryan Stevenson, Lily Tomlin, Judge Donna Hitchens – people who have done what they believe in while being humble and bringing their whole selves to the endeavor. People who are smart as a tack but lead with their heart.

**Theatre is something that you're passionate about. How have you seen theatre and justice working together?** First, there is a lot of theatre that are about things I am passionate about: civil rights, the harms caused by violence and inequality, the joy and strength of those who find their voice and the importance of freedom.

On a more personal note, I have been working on an autobiographical show that deals with issues of racial justice, sexual assault and workplace harassment. It's been put on hold during Covid, but I hope to return to it.

**What would be the title of your play, and what actress would you want to play you?** My play's working title is "Allegiances." I was hoping to play myself, but I may age out of that...

**What do you most look forward to in the future?** Growing my practice has been a wonderful experience, and I look forward to seeing the newer partners and other lawyers in my practice have successful and fulfilling careers. Our practice focuses on looking at what went wrong at a workplace. Ensuring that we are providing a positive workplace is very important to us.

**What advice do you have for yourself?** I have to tell myself, now is the time to step back and let others find their own way and become leaders in their own way and in their own right. ❧

Brooke Strickland is a Vancouver, Washington-based freelance writer.

#### ABOUT OPPENHEIMER

**Age:** 68

**Education:** B.A. from UC Berkeley, J.D. from UC Davis

**Residence:** Berkeley

**Recently read:** "Asymmetry" by Lisa Halliday

**How she unwinds:** Watching "The Great British Baking Show"

**Favorite play:** "I love one-woman shows where a versatile actor becomes so many people, like Anna Deavere Smith's 'Fires in the Mirror,' Lily Tomlin's 'The Search for Signs of Intelligent Life in the Universe' and Sarah Jones' 'Bridge & Tunnel.' It is a testament to how one person can see and understand so many sides of an issue."

#### THE (NEW) ROUTINE

"In a word, Zoom – morning, noon and night. I used to drive to an employer's place of business and spend the day interviewing people. I would unwind on the drive home. Now all our interviews are virtual, and my commute is the 30 feet from my kitchen to my office. I miss seeing people live, but I still dress up for the interviews."

#### ABOUT OPPENHEIMER INVESTIGATIONS GROUP LLP

**Founded:** My own law office, 1992; OIG – my current partnership – 2021

**Employees:** 27

**Headquarters:** Berkeley

**Mission:** OIG performs impartial investigations of workplace and school complaints as well as training and coaching, expert testimony and mediation. The firm is committed to providing conscientious and fair investigative services to uncover the cause of conflict and help create and maintain safe, equitable and harassment-free spaces for employees and students.