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THE WHEELS OF JUSTICE

The bike messengers who schlep legal papers around San Francisco are clamoring for justice.

Two San Francisco bicycle messengers who used to work for First Legal Support Services LLC say the company has ducked paying for overtime by calling them independent contractors. The suit, which seeks class action certification, could include 200 other employees, said the plaintiffs' Oakland attorney, H. Tim Hoffman.

Up until 2000, First Legal's bike messengers, drivers and legal researchers were hourly and salaried workers. That year, the owner made them independent contractors, even though the couriers were essentially doing the same work, says the lawsuit, which was filed in San Francisco Superior Court in April.

But under the new system, "they were paid less, got no benefits and no Social Security contribution," said Hoffman. Reno attorney Mark Thierman and Oakland attorney Randall Crane are also on the plaintiffs' legal team.

The messengers' suit already has a little traction: In 2002, an administrative law judge from the National Labor Relations Board, James Kennedy, ruled that First Legal's workers were employees, not independent contractors.

First Legal, which has offices in San Francisco, San Jose, Los Angeles, Sacramento, San Diego, Riverside and Santa Ana, says it isn't doing anything wrong.

"We don't believe that there is any merit whatsoever to this litigation," said David Tait, the Rancho Cucamonga-based managing director of the company. He declined to comment further.

-- *Jahna Berry*