



JESSICA L. POST

Director

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Phoenix, Arizona

Jessica practices in the areas of labor and employment, and complex business litigation. She assists companies in employment discrimination, wage and hour, restrictive covenant and trade theft matters. For those clients, Jessica focuses on employment discrimination and wrongful termination litigation, representing clients before various state and federal courts and administrative agencies. She has defended employers in wage and hour class actions in both state and federal court, including cases involving missed meal and break periods and misclassification of employees.

She has represented companies at trials, mediations and arbitrations. In proactive measures to ideally prevent such situations, Jessica works closely with human resources professionals to ensure clients comply with applicable state and federal labor laws.

For her complex commercial litigation practice, Jessica handles legal malpractice defense cases, as well as cases that involve both commercial and employment related issues.

EDUCATION

- J.D., *summa cum laude*, University of Arizona, James E. Rogers College of Law
- A.B., Dartmouth College
- Order of the Coif
- Editor-in Chief, *Arizona Law Review*, University of Arizona, 2005

AREAS OF PRACTICE

- Business Litigation
- Commercial Contingency Litigation
- Employment and Labor
- Litigation

REPRESENTATIVE CASES

- In 2016, served as co-counsel in a four-week legal malpractice case and secured a unanimous jury verdict in favor of the defendant law firm.

- In 2015, represented large employer in AAA arbitration in a wrongful discrimination claim being asserted by a former employee. Secured a decision in favor of the employer.
- In 2013, represented large employer in AAA arbitration where employee was claiming to have been wrongfully terminated. Secured decision in favor of the employer.
- Served as co-counsel at a three-day bench trial in Arizona district court, representing an airline against a claim brought by two former employees who were claiming that the company violated the Family and Medical Leave Act when it terminated them for abusing its sick leave policy; examined and cross-examined witnesses; received a complete defense verdict. (Ariz. Federal Court 2011).
- Served as co-counsel at week-long trial in Minnesota federal district court, representing mine operator against discrimination claims brought by private plaintiff and the EEOC; examined and cross-examined witnesses and successfully argued directed verdict motion on punitive damages; jury returned complete defense verdict. (Minn. Federal Court 2009-10).
- Represented dental practice in pregnancy discrimination lawsuit brought by former employee; drafted summary judgment motion and secured dismissal (Ariz. Federal Court 2010).
- Represented national pet distributor in multi-party lawsuit in federal district court alleging deceptive business practice and RICO claims. Drafted successful motion to dismiss (Ariz. Federal Court 2009).
- Represented an international telecommunications provider in a fraud and negligence case involving over \$50 million in asserted damages. Took and defended multiple depositions; managed the document collection and production; and oversaw the review of over 100,000 documents, including both paper and electronic documents (Cal. State Ct., 2006-2009).
- Represented a high-end hotel chain in a large class action involving claims under California's wage-and-hour statutes. Helped obtain a favorable settlement in mediation (Cal. State Ct., 2008).
- Briefed and argued an appeal to the Ninth Circuit in a pro bono immigration matter. Persuaded the court to reverse in favor of client. *Holder v. Ulanday*, Case No. 04-73479 (9th Cir. 2009).
- Represented an international chocolate manufacturer in a class action involving claims under state wage-and-hour laws as well as under the Fair Labor Standards Act (N.D. Cal., 2008).
- Successfully represented a film distribution company and its owner in challenging an illegal search and seizure conducted by FBI agents (C.D. Cal., 2007).
- Represented high-end supermarket chain in an EEOC discrimination proceeding involving claims of age and race discrimination. Obtained favorable result following mediation (EEOC, 2008).
- Represented high-end supermarket chain in a disability discrimination lawsuit. Obtained favorable settlement (Cal. State Ct., 2008).

AWARDS AND HONORS

- *Benchmark Litigation*, Future Star, 2019
- Most Influential Women, *AZ Business Magazine*, 2018
- *Benchmark Litigation*, 40 & Under Hot List, 2018
- *Southwest Rising Stars®*, Employment Litigation: Defense, 2012; Employment and Labor, 2013-2018
- *Benchmark Litigation*, Top Litigator Under 40, Future Star, 2017-2018
- AV® Preeminent™ Peer Review Rated (the highest rating available), by Martindale-Hubbell

ARTICLES AND PRESENTATIONS

- Quoted, "COVID-19 Vaccine Mandate," Fox10, November 9, 2021
- Quoted, "Fact Finders: How do new OSHA COVID vaccine rules affect state workers?" KOLD, November 4, 2021
- Co-Author, "Practical considerations for private employers considering COVID-19 vaccine mandates," *Inside Tucson Business*, August 27, 2021
- Quoted, "Fact Finders: Is proof necessary for a vaccine exemption?" KOLD, August 31, 2021
- Quoted, "Fact Finders: Legal rights for workers who don't want the vaccine," KOLD, August 26, 2021
- Quoted, "Private companies within Arizona can legally mandate the COVID vaccine among their employees," Arizona PBS, August 23, 2021
- Quoted, "What rights do workers have as more companies require COVID-19 vaccination for employment?" Fox10, July 26, 2021
- Quoted, "Jessica Post: Solutions Under Pressure," *Attorney at Law Magazine*, June 26, 2020
- Quoted, "Fact Finders: Do businesses, restaurants have to share COVID-19 cases with you?" KOLD, June 22, 2020
- Speaker, "Steps to Take When Employees Contract COVID-19," Chandler Chamber, June 25, 2020
- Quoted, "Hiring, Firing and Cancel Culture," *TechTarget*, June 8, 2020
- Quoted, "The legal state of returning to work during COVID-19," *Tucson Local Media*, May 20, 2020
- Quoted, "Fact Finders: Businesses need a plan to reduce the spread of COVID-19," KOLD, May 8, 2020
- Interview, "Equal Employment Opportunity Commission Issues New Guidelines For Reopening Businesses," KJZZ, May 7, 2020
- Quoted, "Legal issues when heading back to work," Arizona Horizon, May 5, 2020
- Quoted, "Employees have options as businesses partially reopen," News 4 Tucson, May 4, 2020
- Quoted, "Fact Finders: Reopening your business? What employers need to know to stay out of legal trouble," KOLD News 13, May 4, 2020
- Author, "Reopening Businesses during the COVID-19 Pandemic," *InBusiness*, April 30, 2020

- Co-author, "Frequently Asked Questions About Unemployment and Employee Retention Provisions in The CARES Act," Fennemore Client Alert, April 16, 2020
- Co-author, "COVID-19: Health Plan Coverage For Furloughed Employees," Fennemore Client Alert, March 26, 2020
- Co-author, "Understanding the Emergency Family Medical Leave Expansion Act and Emergency Paid Sick Leave in the Families First Coronavirus Response Act," Fennemore Client Alert, March 20, 2020
- Co-author, "Frequently Asked Questions About the Coronavirus in the Employment Setting," Fennemore Client Alert, March 17, 2020
- Quoted, "A Legal Primer for Coronavirus in the Workplace," *Chamber Business News*, March 11, 2020
- Interview, "Know Your Rights as an Employee and Employer," *Arizona Horizon*, March 11, 2020
- Interview, "Workers Have Legal Protections Related to Coronavirus, Phoenix Attorney Says," *KTAR News*, March 10, 2020
- Interview, "Issues Employers Are Facing and Strategies to Deal With the Growing Coronavirus Crisis," *AZ Family 3*, March 10, 2020
- Quoted, "Your Social Media Might Be Why You Didn't Get Hired, Study Says," *Phoenix Business Journal*, March 10, 2020
- Quoted, "Social Media Posts Can Deter Potential Employers, Experts Agree," *Inside Tucson Business*, February 28, 2020
- Interview, "Can a Company Choose Not to Hire You Because Of Your Social Media Posts?" *KTAR*, February 14, 2020
- Co-author, "Vazquez v. Jan-Pro Franchising International, Inc.," Fennemore Client Alert, May 28, 2019
- Panelist, "Legal Issues to Address and Avoid When Starting and Growing Your Business," *The Emerald*, April 3, 2019
- Author, "Employee With a Medical Marijuana Card My Bring Discrimination Claim Under the Arizona Medical Marijuana Act," Fennemore Client Alert, February 22, 2019
- Co-author, "Fighting Workplace Sexual Harassment: State and Federal Approaches," *Arizona Attorney*, September 2018
- Quoted, "#RedForEd: What's About to Happen When Teachers Walk Out," *Cronkite News*, April 25, 2018
- Co-author, "Sexual Harassment Claims Rising?" *InBusiness*, February 2018
- Interview, "Harassment in the Workplace," *KSAZ*, November 30, 2017
- Interview, "Sexual Harassment in the Workplace," *KFYI*, November 29, 2017
- Quoted, "Worried Sick About New Law?" *AZ Business Magazine*, July-August 2017
- Interview, "Pro Tips for Arizona Employers to Provide Paid Sick Leave," *Greater Phoenix Chamber*, June 26, 2017
- Interview, "Prop 206," *KTVK*, June 18, 2017
- Interview, "New Paid Sick Leave Rules Effective This Summer in Arizona," *ABC-15 Arizona*, June 7, 2017
- Speaker, "Proposition 206," *Lovitt & Touche*, June 6, 2017
- Interview, "New Mandatory Paid Sick Leave," *KTAR*, June 2, 2017

- Author, "Employer Alert: Paid Sick Leave Required," *InBusiness*, June 2017
- Speaker, "Proposition 206," Fennemore Webinar, May 24, 2017
- Speaker, "Independent Contractor or Employee? Lessons Learned from the Uber Litigation," Fennemore Labor and Employment Seminar, May 4, 2017
- Speaker, "Gig Workers: New Rules for HR, Employment, and Antitrust," State Bar of Arizona, Labor and Employment Law and Antitrust Section, April 24, 2017
- Author, "Complying With Proposition 207: Fair Wages and Healthy Families Act," Fennemore Client Alert, February 6, 2017

PROFESSIONAL AND COMMUNITY ACTIVITIES

- Member, Board of Directors, Law College Association for the University of Arizona, James E. Rogers College of Law
- Member, State Bar of Arizona
- Member, State Bar of California
- Board Member, Arizona Law Review Alumni Association, 2014
- President, Phoenix Women's Sports Association, 2014
- Member, Board of Directors, Phoenix Women's Sports Association, 2009-2012

ADMISSIONS

- Arizona
- California
- U.S. District Court, District of Arizona
- U.S. District Court, Central District of California
- U.S. Court of Appeals, Ninth Circuit