



JESSICA L. POST

Director

Labor & Employment

Phoenix

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JESSICA L. POST

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

OTHER EXPERIENCE

Commercial Contingency Litigation

Litigation

Labor & Employment

Business Litigation

REPRESENTATIVE CASES

2025: Served as co-counsel in a multi-million professional negligence case. Successfully secured summary judgment for the client. In 2025, argued before the Arizona Supreme Court, resulting in a published decision on the standard for providing lost profit damages. *McAlister v. Loeb & Loeb, L.L.P.*, 571 P.3d 891 (Ariz. 2025).

2025: Secured dismissal of more than a dozen claims, including fraud, interference, abuse of process, breach of fiduciary duty, filed by a third party against a law firm, seeking over a billion dollars in damages (District Court – Clark County, Nevada).

2023-24: Represented a doctor in a dispute arising out of the sale of a medical practice. Secured more than \$7 million verdict against the defendant. Subsequently secured a temporary restraining order to restrain the defendant from fraudulently transferring the funds.

2022: Represented a financial services entity and secured a restraining order against a former employee under the Federal Trade Secrets Act and other state law statutes.

2021: Served as co-counsel in a 9-day bench trial involving a partnership dispute. Secured successful result for the client who was declared the 100% owner of the multiple million dollar business.

2020-21: Represented a doctor in a 7-day arbitration against his former employer; secured a verdict that included breach of contract, fraud, and punitive damages.

2018: Represented an employer in a wrongful termination claim and secured summary judgment in favor of the employer.

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.

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.

2013: Represented large employer in AAA arbitration where employee was claiming to have been wrongfully terminated. Secured decision in favor of the employer.

2011: 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).

2010: 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).

2010: Represented dental practice in pregnancy discrimination lawsuit brought by former employee; drafted summary judgment motion and secured dismissal (Ariz. Federal Court 2010).

2009: 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).

Secured numerous no-cause findings on charges filed with the EEOC and Arizona Civil Rights Division.

Various summary judgments on employment-related and other claims.

AWARDS AND HONORS

Best Lawyers in America[®], Litigation – Labor and Employment, 2023-2027

Chambers USA, Labor & Employment: Arizona, 2026

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

Co-Author, "Experts: Is it OK to pay your employees in Bitcoin?" Daily Independent, June 2, 2022

Co-Author, "Is it OK to pay employees in Bitcoin?" AZ Big Media, May 26, 2022

Co-Author, "Is it time to start paying your employees in cryptocurrency?" Phoenix Business Journal, May 24, 2022

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

Quoted, "Fact Finders: Is proof necessary for a vaccine exemption?" KOLD, August 31, 2021

Co-Author, "Practical considerations for private employers considering COVID-19 vaccine mandates," Inside Tucson Business, August 27, 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