



## TAMARA I. DEVITT

Partner

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**PRACTICES:** Labor and Employment, Employment Litigation, Social Media, Wage and Hour Litigation, Class Action Defense, Litigation, Higher Education; **INDUSTRIES:** Retail

### ORANGE COUNTY

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COSTA MESA, CA 92626  
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### PALO ALTO

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PALO ALTO, CA 94301  
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### EDUCATION AND CLERKSHIPS

- J.D., DePaul University  
College of Law, 2000
- B.S.C., Marketing, DePaul  
University, 1993

### ADMISSIONS

- California

### COURT ADMISSIONS

- U.S. Court of Appeals for the  
Ninth Circuit
- U.S. District Court for the  
Central District of California
- U.S. District Court for the  
Eastern District of California
- U.S. District Court for the  
Northern District of California

Tamara Devitt is experienced in counseling and representing employers in all aspects of labor and employment law. She regularly defends employers against claims of discrimination, unlawful harassment, wrongful termination, unfair business practices and wage and hour claims, including class actions and complex litigation.

She advocates for employers in all aspects of employment litigation, including jury and bench trials, arbitration and pre-litigation negotiations, and in administrative tribunals, including the Equal Employment Opportunity Commission, California Department of Fair Employment and Housing, Department of Labor and California Labor Commissioner.

Tamara also advises and counsels employers on compliance, including hiring, discipline and termination practices, wage and hour issues, misconduct investigations (i.e., harassment, workplace violence, embezzlement), leaves of absence, reasonable accommodation of employees with disabilities, policies and procedures and employment agreements.

She regularly conducts management training and lectures on labor and employment issues.

Tamara joined the firm from a national labor and employment boutique, where she exclusively represented management and also served as a regional managing partner. Before becoming an employment lawyer, Tamara worked for nine years in human resources, where she handled employee relations, leaves of absence and benefits.

### Professional Recognition

- Recognized as one of *The Best Lawyers in America*, Woodward/White, Inc., in Litigation - Labor and Employment, 2015-2019; Employment Law - Management, 2016-2018; Labor Law - Management, 2017-2019.
- Nominee for Women in Business, *Orange County Business Journal*, American City Business Journals, 2010.

### Selected Client Representations

- Obtained a complete defense award in arbitration on behalf of an oil well services company in disability discrimination case where the plaintiff sought over a million

- dollars in damages. The plaintiff alleged wrongful termination because of his alleged disability, failure to provide reasonable accommodation and retaliation.
- Represented company in wage and hour class action of putative class of education coaches who alleged they were misclassified under the administrative exemption and sought unpaid overtime wages, meal and rest period penalties. Successfully objected to the plaintiff's pre-certification motion for summary judgment as premature and postured the case for reasonable settlement.
  - Awarded complete summary judgment by a Ventura County Superior Court judge in wrongful termination case, where the plaintiff alleged the defendant failed to hire him because of an alleged disability.
  - Convinced a California state court to dismiss with prejudice the plaintiff's wrongful termination lawsuit for his delay in participating in arbitration and failure to prosecute his case.
  - Represented an oil well services company in a wage and hour class action in all aspects of litigation through arbitration. The putative class consisted of more than 2500 former and current employees alleging unpaid travel time, overtime wages and denial of meal and rest breaks.
  - Successfully defended maintenance and landscaping company in wage and hour class action where the putative class of more than 2000 current and former employees sought unpaid wages, and meal and rest period penalties. The matter settled favorably after the plaintiff's deposition revealed the likelihood of individualized issues and significant risk that certification would be denied.
  - Represented company in action under the Fair Credit Reporting Act and California Consumer Credit Reporting Agencies Act.
  - Obtained workplace violence temporary restraining order and permanent injunction against former customer where the defendant threatened harm to a company employee.
  - Represented landscaping design company in sexual harassment action brought by current employee.
  - Represented various clients before DFEH and EEOC and achieved no cause findings against employees who brought state and federal discrimination charges.
  - Convinced federal district court to dismiss a 20-year employee's wrongful termination lawsuit against municipality on grounds that the plaintiff failed to exhaust his internal administrative remedies.

#### Professional Recognition

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- Nominee for Women in Business, *Orange County Business Journal*, American City Business Journals, 2010.

#### Professional and Community Activities

- Chairman of the Board of Directors for Professionals in Human Resources Association

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- (PIHRA) District One (2013 – present)
  - Legal Chair, PIHRA District 1 (2011 – present)
  - Member of Legislative Affairs Committee, PIHRA (2011 – present)
  - Founder and Member, Women’s Business Development Initiative, Orange County (2009 – 2012)
  - Los Angeles County Bar Association
  - Orange County Bar Association
  - General Counsel and Member, Board of Directors, Huntington Beach Chamber of Commerce (2005-2006; 2007-2010)
  - Member, National Association of Women Business Owners (2010- 2012)

#### **Selected Publications and Speeches**

- “Somebody's Watching Me! Walking the Fine Line Between Emerging Technologies and Employee Privacy,” presenter, Professionals In Human Resources Association, Los Angeles, California, March 27, 2019.
- “Don't Leave Me This Way: Hot Topics Under FEHA, ADA and CFRA/FMLA,” speaker, Professionals In Human Resources Association’s Monthly Meeting, Los Angeles, California, May 16, 2018.
- “Mid-Year Review of Wage and Hour Trends in 2013,” guest author, *Daily Journal*, July 17, 2013.
- “New Law Prohibits Discrimination against Breastfeeding in the Workplace,” quoted in *SHRM Magazine*, December 8, 2012.
- “Top 5 Hot Topics for HR Professionals,” presentation to Professionals in Human Resources Association D1, October 16, 2012.
- “Make Job Descriptions ADA-Ready: California HR’s How-To for Defining Essential Functions,” Business & Legal Reports, Inc., HRHero, webinar presentation, July 30-31, 2012.
- “Hollywood Drama Should Remind Employers of Importance of Maintaining A Well-Drafted Arbitration Agreement,” quoted in *Walters Kluwer Law and Business*, May 16, 2011.