



Holly L. Sutton

Partner

hsutton@fbm.com

San Francisco: 415.954.4476

Holly Sutton guides businesses, compensation committees, and boards in managing the critical employment matters they face, with an eye toward both practical solutions and risk management. A theoretically flawless solution that is unworkable is of no value—Holly provides approaches that work in the real business world in which her clients operate. In this role, she frequently advises on policies or measures at the planning stage—proactive involvement in employment issues is almost always preferable to devising responses *ex post facto*. Holly is the chair of Farella's Employment Practice.

Holly counsels clients on the design and implementation of employment policies and practices to minimize the risk of employment litigation, and ensure compliance with applicable law. Specific areas in which Holly advises her clients include personnel policies, wage and hour laws, EEO compliance, hiring and termination practices, harassment and discrimination investigations, non-competition clauses, conflict of interest, and trade secret matters. She has worked with clients in a range of industries, including media, insurance, wine, agriculture, technology, retail, banking, construction, manufacturing, cannabis, and professional services.

By developing innovative strategies that are grounded in her deep knowledge of employment law, yet carefully tailored to each client's individual circumstances, Holly helps her clients navigate particularly high-risk scenarios and challenging situations, including reductions in force, realignment of workforces, mergers, acquisitions, and divestitures.

Holly provides carefully tailored advice, focusing on the specific and unique facts of each situation, and partners with her clients to develop strategies that best protect against claims and disruptions, while working within the realities of day-to-day operation.

In addition to employment-related counseling, Holly also defends clients in wrongful termination and employment discrimination actions, including claims for race, age, sex, disability, and pregnancy discrimination. She has advocated in state and federal courts as well as various administrative forums, including single plaintiff, multi-plaintiff, and class action matters.

She has also defended cases involving trade secrets, accommodation, and employee solicitation issues. She has extensive experience in all facets of contractual arbitration, and has defended government investigations, resulting in dismissal of claims.

An essential part of her role as a trusted advisor on employment matters is ensuring that her clients are kept abreast of the latest developments in employment law— an ever-changing field. She's a frequent speaker, author, panelist, and media source, and in addition to advising on the current state of the law, frequently counsels on upcoming changes and trends that will affect her client's business, strategy and workforce. For example, the gig economy freelancing and contract employees present unique employment challenges. By staying ahead of trends in business, Holly helps her clients compete and succeed as well.

Distinctions

- Labor & Employment Star, *Benchmark Litigation* (2019-2023)
- *The Best Lawyers in America*, Employment Law—Management (2025)

Services

- Employment
- Business Transactions
- Consumer Products + Manufacturing
- Exempt Organizations
- Financial Services
- Mergers & Acquisitions
- Private Client
- Wine
- Family-Held Enterprises

Education

- Stanford University (J.D., 1993)
 - . Associate Editor, *Stanford Law Review*; co-chair, Women of Stanford Law
- University of California, Berkeley (B.A.)
 - . *summa cum laude*, Phi Beta Kappa

Bar Admissions

- California

Clerkships

- U.S. District Court (S.D. Cal.), John S. Rhodes

Memberships and Affiliations

- Member, HR.com Legal, Compliance and Employment Law Advisory Board (2023)
- Member, Employment Rights & Responsibilities Committee, ABA Labor & Employment Law Section
- Member, American Employment Law Council (2022)
- Co-chair, ABA Labor & Employment Law Newsletter (2022)
- Member, Stanford Law School, Deborah L. Rhode Center on the Legal Profession, Advisory Forum

Experience

Acquisition of Virginia's RdV Vineyards

Represented the Bouygues family's winery enterprise, SCDM Domaines, in its purchase of RdV Vineyards in Virginia. SCDM Domaines owns a number of winery holdings in France, including the famed Chateau Montrose. The acquisition of the 93-acre RdV Vineyards winery property in Delaplane, Virginia from Rutger de Vink represents the first investment by a Bordeaux company in an East Coast winery.

Represent Miller Family on Sale of The Silverado Vineyards

Represented the Miller family on the sale of Napa Valley luxury wine producer The Silverado Vineyards to Foley Family Wines. The sale included a 73,000-square-foot winery and 300 acres of vineyards across Napa's Stags Leap District, Coombsville, and Yountville wine regions.

ACE Cider Sale to Vintage Wine Estate

Represented ACE Cider, The California Cider Company, the top independently owned hard cider brand in the U.S., in its sale to Vintage Wine Estates, Inc.

Insurance Counseling

Advised client on how to address problematic employee to put an end to improper conduct and protect the business from liability.

Publications

June 7, 2024

How to Navigate California Wage Statement Penalties After *Naranjo v. Spectrum*

The Recorder

May 13, 2024

A New Overtime Threshold Takes Effect in Mere Weeks: HR Should Assess Its Impact Now

HR Dive

May 10, 2024

Navigating California Wage Statement Penalties After *Naranjo v. Spectrum Security Services, Inc.*

March 18, 2024

Employment Law Update for Nonprofits With Holly Sutton

EO Radio Show - Your Nonprofit Legal Resource

March 1, 2024

Important Changes and the Impact of California Industry-Specific Minimum Wage Laws

March 1, 2024

Navigating Cannabis in the Workplace: A Guide for California Corporations

March 1, 2024

Navigating California's Evolving Legal Landscape Governing Leaves of Absence

March 1, 2024

Navigating California's New Rebuttable Presumption Law

March 1, 2024

Navigating California's Workplace Violence Prevention Law

March 1, 2024

Employment Law Symposium Recordings & Articles

January 18, 2024

California Employment Law Updates: What to Look Out for in 2024

January 18, 2024

Employers Face Significant New Requirements for Severance Agreements and Non-Competes

December 5, 2023

A Summary of New Laws Coming for California Employers in 2024

November 21, 2023

Five New California Laws Employers Need to Know

Law360

October 6, 2023

Employers Should Review Confidentiality Policies and Severance Agreements in Light of Recent SEC \$10 Million Penalty

December 21, 2022

New Laws and Compliance Updates for California Employers in 2023

November 21, 2022

California Extends Presumption of COVID-19 as Workers' Compensation Injury and Modifies Notice Requirements for Potential Exposure

October 31, 2022

California Extends COVID-19 Leave Through December 31, 2022

October 25, 2022

What California's Pay Transparency Law May Mean for You

Human Resource Executive

September 22, 2022

New California Bill Requires Employers to Offer Bereavement Leave

September 2, 2022

California's Pay Transparency Act (SB 1162) – Are You Prepared?

September 2, 2022

Survey of Pay Disclosure Laws Across the Country

December 7, 2021

New California Employment Laws in 2022

September 15, 2021

10 Tips for Mandatory Covid-19 Vaccination Policies

May 11, 2021

Returning to the Office: Legal and Practical Considerations for Keeping Your Team Safe

Real Estate Industry Education Series

March 30, 2021

Law Updates for California Employers: COVID Sick Leave Obligations, Meal-Period Rules, COBRA Benefits

January 27, 2021

Equal Pay Data Reporting, An Asset for the Strategic Employer

December 11, 2020

California Employers Face Various New Laws in January 2021

October 26, 2020

The Election Season Is Upon Us: Guidance for Managing Political Expression in the California Workplace

September 23, 2020

California Expands Family and Medical Leave Law to Cover Small Employers

June 23, 2020

7 Tips for Creating a COVID-19 Essential Business Travel Policy

May 11, 2020

Unlimited Vacation Policies Present Potential Pitfalls for California Employers

April 27, 2020

Coronavirus and the Workplace: Guidance for Employers Resuming Operations

March 31, 2020

Families First Coronavirus Response Act - Posting Requirement for Employers

March 31, 2020

Use Caution When Laying off Employees Without a Return to Work Date

March 20, 2020

Coronavirus and the Workplace: Key Legal Updates for Employers

March 10, 2020

Coronavirus and the Workplace: Is Your Business Prepared?

December 23, 2019

New Laws for California Employers in 2020

November 04, 2019

California's New Ban on Mandatory Employment Arbitration: How We Got Here and What This Means

October 30, 2019

California's AB5 Codifies Stricter Rules for Independent Contractors - What Wine Industry Employers Need to Know

North Bay Business Journal

October 22, 2019

California Employers Granted a One-Year Reprieve on New Mandatory Sexual Harassment Training

Deadline

October 2, 2019

What Employers Should Know About the California Consumer Privacy Act Taking Effect January 1, 2020

September 19, 2019

California's AB5 Codifies Stricter Rules for Independent Contractors - What Employers Need to Know

07/26/2019

New California Crown Act Reminds Employers to Carefully Consider Workplace Dress and Grooming Policies

June 12, 2019

Are You Background Checking Your Contractors? If So, Exercise Caution.

10/10/2018

New California Employment Laws Will Require Significant Changes in 2019

8/27/2018

California Supreme Court Clarifies Background Check Laws in California

7/31/2018

California Supreme Court Declines to Apply Federal Excuse for Short Unrecorded Work Periods

5/25/2018

Supreme Court Rules That Employees Can Waive Class Action Rights Through Arbitration Agreements

11/16/2017

New Employment Laws Will Require Changes for Most Employers in 2018

8/2/2017

California Court Confirms that Vacation Accrual Can Be Restricted for New Employees

6/1/2015

Supervisor-Caused Stress is Not a "Disability" under the FEHA

1/13/2015

California's Sick Leave Law Will Require Altering Most PTO Programs by July 2015

10/7/2014

New California Law Holds Employers Liable for Labor Contractor's Wage Violations

9/22/2014

California Expands Mandatory Harassment Training to Include "Bullying" Prevention

9/16/2014

New Law Requires California Employers to Provide Paid Sick Leave

8/18/2014

California Employers Required to Pay Employees' Work-Related Cell Phone Expenses

7/24/2014

Employers May Require Exempt Employees to Use Accrued Leave for Absences Shorter Than Half a Day

7/16/2014

California Supreme Court Splits From Federal Law on Commissioned Employee Exemption

Compliance

6/24/2014

California Supreme Court Authorizes Class Action Waivers In Arbitration Agreements

3/28/2014

Supreme Court Clarifies Tax Rules for Certain Severance Payments

11/18/2013

New San Francisco Ordinance Requires Employers To Discuss Family Life Accommodations

10/29/2013

12 New Laws California Employers Need To Know

12/5/2012

New California Employment Laws Effective January 1, 2013

4/13/2012

Employers Need Not Police Meal and Rest Breaks

11/28/2011

California Employment Law Updates

9/9/2010

Ninth Circuit Finds Female Employee's Unwelcome Advances On Male Colleague Potentially Actionable

11/24/2009

California Court Rejects Non-Competition Agreement As Necessary To Protect Confidential Information

1/15/2009

New San Francisco Commuter Ordinance Takes Effect January 19, 2009

9/9/2008

California Governor Enacts Special Paycheck Rules For Temporary Workers And Criminal Penalties For Falsified Timesheets

7/23/2008

California Court of Appeals Rejects Employer Strict Liability For Missed Meal Breaks

3/6/2008

California Supreme Court Protects Supervisors From Retaliation Liability

2/8/2008

Alert: California Court Expands Administrative Overtime Exemption

Outside the Office

Holly has traveled extensively through Central America, and is a scuba diver, skier and occasional camper. She is on the board of Lalafofofo, a nonprofit that develops affordable, small-scale service projects in the Kilimanjaro Region of Tanzania, East Africa.