



## Holly L. Sutton

Partner

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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)

### Services

- Employment
- Business Transactions
- Consumer Products + Manufacturing
- Exempt Organizations
- Financial Services
- 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, 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

### 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

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.