



Mary Watson Fisher has been a partner at Walsworth since 1992 and was Managing Partner for 15 years. She supervised a diverse practice of attorneys during her tenure as Co-Managing Partner, helping facilitate the firm's growth by 50%.

Mary has more than 25 years of experience defending employers in all types of employment cases including harassment, discrimination (gender, disability, age, marital status, race, national origin), wrongful termination in violation of public policy, whistleblowing, and wage and hour claims under California and federal laws. She has also defended Labor Code section 132a and serious and willful claims brought in conjunction with workers' compensation claims. Her experience includes pre-litigation investigations, training (including AB 1825 anti-harassment training for supervisors), review of employer policies and procedures and advising on HR issues. With extensive experience in representing employers in litigation, she also advises employers on how to best avoid future litigation in employment matters.

#### REPRESENTATIVE SUCCESSES

- Provide counseling and support to clients on a wide range of employment issues including: review employee handbooks for a number of clients ranging in size from 15 to 700 employees; assist clients in navigating the complicated requirements for implementing an alternative work week schedule, including advising on preparation of the appropriate disclosures to the affected employees, ballots for the employee secret ballot election and submission of results to the Department of Industrial Relations; prepare comprehensive analysis of employee medical leaves, determining if the leaves are appropriate under the applicable state and federal laws and giving recommendations for managing the leaves; develop harassment and discrimination prevention policies and provide training of employees and supervisors regarding same; provide advice regarding wage and hour issues, investigations, responding to EEOC and DFEH complaints, and employee misconduct and discipline.
- *Plaintiff v. Credit Union* – Plaintiff's attorney sent a demand letter asserting multiple claims including harassment, disability discrimination, failure to engage in the interactive process, wrongful denial of CFRA/FMLA leave, retaliation and wrongful termination. The response to the demand letter provided evidence and authorities showing that the termination was justified due to performance deficiencies, not due to any retaliation or discrimination. Ultimately, plaintiff abandoned her claims without filing a lawsuit.
- *Employee v. Credit Union* – Binding arbitration resulting in defense award in favor of our client, a prominent Southern California credit union. Plaintiff, an officer, claimed he was terminated due to disability discrimination and sought in excess of one million dollars. The arbitrator found plaintiff failed to provide any medical information to demonstrate he needed any accommodation, and that the termination was not based on his disability.
- *Plaintiff v. Tour Operator* – Plaintiff alleged injuries from a slip and fall at an event organized by the tour operator client. A summary of applicable law and evidence was provided to plaintiff's counsel, along with evidence establishing that plaintiff consistently supported the client before and after she was allegedly injured, gave positive reviews of the client's program on which she was allegedly injured and subsequently participated in other events organized by the client. Plaintiff's counsel agreed to dismiss client before client's deadline to file a responsive pleading.
- *Plaintiffs v. Tour Operator* – Plaintiffs filed a wrongful death action after the father drowned in the ocean during the family vacation in Costa Rica. Plaintiffs alleged that a representative of the client company specifically recommended the beach where

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#### Areas of Practice

- Employment Law
- Travel, Tourism and Hospitality

#### Education

- Pepperdine University School of Law, J.D., *cum laude*
- Vassar College, B.A.

#### Admissions

- California
- United States Court of Appeals, Ninth Circuit
- United States District Court, Central, Northern, Eastern and Southern Districts of California

the incident occurred. Client filed a motion to enforce a forum selection clause that required all litigation to be filed in Colorado. The court upheld enforcement of the forum selection clause despite plaintiffs' argument that it was an unenforceable contract of adhesion. Plaintiffs appealed the trial court's order dismissing the case and the Second District Court of Appeals affirmed the dismissal.

## INDUSTRY INVOLVEMENT

### Professional Affiliations:

- Orange County Bar Association
- National Association of Women Lawyers (NAWL)

### Speaking Engagements:

- "Big Brother is Watching: Do Employers Have the Right to Police Employee Off-Duty Conduct?"
- "Employee Leave Law"
- "Equal Access or Undue Hardship: Demystifying Workplace Accommodation Claims"
- "A Pain in the Assets: A Practical Guide to Successor Liability"
- "Effective Management Tools for Avoiding Litigation"
- "The Art of the Tender"
- "What the Tweet?! Collecting and Using Social Media Evidence to Investigate Claims"
- "He Said/She Said: Workplace Harassment & Retaliation – What Every Claims Representative Needs To Know"
- "An Incompetent's Right to Withdraw from Treatment: Cruzan v. Missouri Department of Health," *Pepperdine Law Review*

## BEYOND THE OFFICE

Mary was born and raised in Connecticut. Upon graduating from Vassar College, she settled in California. She received her 200 hour yoga teacher training certification in 2015. In addition to yoga, she enjoys traveling, hiking, exercising, cooking and spending time with family.

She is a member of the Vassar College Alumni Association and volunteers with Families Forward and the Polycystic Kidney Foundation.

## NEWS

- Walsworth Partners Obtain Summary Judgment for Large Financial Institution in Contentious Employment Case
- Walsworth Publishes 2020 Mid-Year Employment Update
- LGBTQ Landmark Ruling: Gay and Transgender Employees Are Protected Under the Law
- Walsworth Publishes 2019 Mid-Year Employment Update
- Real Estate Agents in California: Independent Contractors or Employees?
- Supreme Court Makes it Easier for Employees to Sue Employers in Court for Discrimination, Harassment and Retaliation
- Frivolous, Unreasonable or Groundless: New Changes to Employer Statutory Offers to Compromise
- Employees vs. Independent Contractors: Battle Continues Over Classification in California
- U.S. Supreme Court Allows the Use of Class Action Waivers in Employment Arbitration Agreements
- Maintaining a Drug-Free Workplace in a Cannabis State
- Walsworth Publishes 2017 Year-End Employment Update
- Walsworth Partners Laurie Sherwood and Mary Watson Fisher to Present on "Big

Brother is Watching: Do Employers Have the Right to Police Employee Off-Duty Conduct?"

- New Overtime Rules: U.S. Department of Labor Increases Salary Requirements for Exempt Employees
- Walsworth Announces 2016 Partner Class
- Austrian Railway Immune from Personal Injury Suit by California Tourist
- New Amendment to the California Paid Sick Leave Law
- New Laws Affecting California Employers in 2015