



Amanda M. Jones

PARTNER

As a litigation partner, Amanda strives to blend practical advice with vigorous advocacy. She regularly advises and represents employers in labor and employment matters as part of her broader commercial litigation practice.

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Overview

As a litigation partner, Amanda strives to blend practical advice with vigorous advocacy. She regularly advises and represents employers in labor and employment matters as part of her broader commercial litigation practice.

Amanda represents employers in state and federal trial and appellate courts, in arbitrations, and in administrative proceedings before the Equal Employment Opportunity Commission, Hawai'i Civil Rights Commission, and the Department of Labor. She has successfully defended employers against claims of discrimination, harassment, retaliation, and whistleblowing. She has also achieved favorable decisions in union grievance arbitrations. Amanda frequently advises clients on difficult employment matters and compliance issues, provides training to supervisors and employees, and conducts workplace investigations. She has been ranked in *Chambers & Partners USA* in the area of Labor and Employment since 2015, in *The Best Lawyers in America*® since 2018, and *Benchmark Litigation: Labor and Employment* since 2021. Amanda was named the 2023 *Best Lawyers*® "Lawyer of the Year" in the category of Employment Law-Management.

Amanda also has significant commercial litigation and arbitration experience. She has handled several cases involving lender liability and foreclosure-related matters, unfair and deceptive trade practices and unfair competition claims, intellectual property matters, partnership and real estate disputes, and breach of contract claims.

Amanda grew up in Kaneohe and graduated summa cum laude from the William S. Richardson School of Law, where she served as Editor-in-Chief of the University of Hawai'i Law Review. Prior to her legal career, Amanda was a news reporter and anchor for the ABC affiliate in Biloxi, Mississippi. She is a member of the firm's Management Committee.

Practices & Industries

Agriculture & Food Distribution

Banks & Financial Institutions

Construction

Coronavirus Response

Educational Institutions

Employment Law & Labor Relations

First Amendment, Advertising, Media & Entertainment

Health Care

Hospitality & Retail

Intellectual Property

Litigation

- Alternative Dispute Resolution
- Commercial Disputes
- Contested Case & Administrative Proceedings

Non-profit & Tax-Exempt Organizations

Real Estate

- Real Estate Disputes

Trusts & Estates

- Trust & Probate Dispute Resolution & Litigation

Noteworthy

Experience

Employment Law and Labor Relations

- Served as first-chair and secured complete arbitration award on all claims in favor of national employer in case asserting racial and sexual harassment and wrongful termination claims
- Achieved complete dismissal of race discrimination, harassment, and retaliation claims for a construction industry employer in federal court
- Obtained summary judgment for high-end retail client in a sexual harassment and retaliation cases that were both affirmed on appeal to the Ninth Circuit
- Succeeded in obtaining dismissal before trial of national origin discrimination and retaliation claims on behalf of a property management company in state court
- Secured dismissal of whistleblower and emotional distress claims on behalf of an employer in the health care industry in state court
- Served as first-chair in labor arbitration proceedings, resulting in rulings affirming employment terminations for just cause
- Prevailed on appeal in compelling terminated employee to arbitrate claims in accordance with employer's arbitration agreement
- Obtained preliminary injunction against former employee who violated a post-employment non-competition covenant

Commercial and Real Estate Litigation

- Successfully defended national and local lenders and loan servicers in defeating claims by borrowers under the Truth in Lending Act, Real Estate Settlement Procedures Act, Unfair and Deceptive Trade Practices Act, and other federal and state statutes
- Won dismissal of Land Court petition filed by borrowers challenging lender's title and secured affirmance of the dismissal on appeal
- Obtained summary judgment on behalf of commercial landlord in lease termination dispute with tenant
- Secured a favorable arbitration award on behalf of a homeowner in construction defect dispute, including a substantial attorneys' fee award
- Prevailed in arbitration on behalf of a purchaser in a real estate dispute

Educational Institutions Law

- Advised educational institutions on employment and educational matters, including compliance with equal employment laws, Title IX, Title VI, the Rehabilitation Act, and the Family Educational Rights and Privacy Act (FERPA)
- Defended complaints filed with the Department of Education Office for Civil Rights
- Represented charter school officials in litigation of due process claims
- Represented private schools in cases alleging sexual abuse of former students

Awards

- *Best Lawyers*® Lawyer of the Year, Employment Law – Management, Honolulu, 2023
- Listed in *Benchmark Litigation: Labor and Employment*, since 2021
- Listed in *Best Lawyers*®, since 2018
- Listed in *Chambers & Partners*, USA Guide, Labor and Employment, since 2015

Credentials

Education

- J.D. (2007), William S. Richardson School of Law, University of Hawai'i at Manoa, *summa cum laude*
- Bachelor of Journalism (1997), University of Missouri-Columbia, *magna cum laude*

Admissions

- Hawai'i State Bar (2007)
- United States District Court for the District of Hawai'i (2007)
- United States Court of Appeals for the Ninth Circuit (2010)

Membership

- American Bar Association, member of the Litigation and Labor and Employment Law sections
- Hawaii State Bar Association, member of the Litigation and Labor and Employment Law sections

Publications

- *Employment at Will: A State-by-State Survey* (2019-2021) (Regional Editor)
- *Hawaii Employment Law Letter* (2008-Present) (Co-Editor)
- "Workplace Safety Defense Thwarted by Company's Own Policy," *EHS Daily Advisor* (March 1, 2021) (Author)
- "Special Report: Law Firms Prepare to Help Businesses After a Turbulent Year," *Pacific Business News* (January 15, 2021) (Interviewee)
- "Debunking 8 Common Employer Myths About Dealing with COVID-19," *HR Daily Advisor* (June 22, 2020) (Author)
- "What's Gender Identity Got to Do with Work?" *ke kumu* (Winter 2016) (Author)
- "Background Check Laws: Hawai'i," *Practical Law Institute* (2013) (Author)
- *University of Hawai'i Law Review* (2006-2007) (Editor-in-Chief)

Speaking Engagements

- "Mental Health, the ADA, and Your Obligations as an Employer," 20th Annual Labor & Employment Law Advanced Practices Symposium (March 2024) (Panelist with Fred Plevin, Esq.)
- "Employment Law Update: Current Trends and What's Coming in 2024," 7th Annual HR Specialist Summit (September 2023) (Speaker)
- "Employees 'Get Religion'—Make Sure You Are Prepared," 19th Annual Labor & Employment Law Advanced Practices Symposium (March 2023) (Panelist with Richard Paul, Esq. and Bob Sheeder, Esq.)

- “Remove the Headaches from Drug Testing,” 19th Annual Labor & Employment Law Advanced Practices Symposium (March 2023)
- “Your Annual HR Paperwork Check-Up,” 6th Annual HR Specialist Summit (September 2022) (Speaker)
- “Mental Health: How to Balance Compliance and Compassion,” 18th Annual Labor & Employment Law Advanced Practices Symposium (March 2022) (Panelist with Dennis Davis, Ph.D)
- “From the Olympics to Your Workplace: Mental Health Challenges During a Pandemic,” Cades Schutte Corporate Counsel seminar (October 2021) (Speaker)
- “Your Documents on Trial,” 17th Annual Labor and Employment Law Advance Practices Symposium (March 2021) (Panelist with Richard Brann, Esq. and Dan Gallipeau)
- “Legal Update Mega Session: 2020 Legal Review of Federal and State Laws Impacting Businesses,” Society for Human Resource Management Hawai’i Chapter annual conference (October 2020) (Panelist with John Knorek, Esq. and Joe Ernst, Esq.)
- “Your HR Documents on Trial: Compliance Workshop,” Business Management Daily (May 2020 & August 2020) (Speaker with Richard Brann, Esq.)
- “Paid Leave Under FFCRA: How to Comply and Get the Tax Benefits of the COVID Law,” Hawaii Employers Council seminar (April 2020) (Speaker with Ryan M. Wilson, Esq.)
- “How Dealing with Employees with a Work Injury Became Much Harder for Employers,” Hawaii Employers Council seminar (July 2019) (Panelist with Richard Rand, Esq., moderated by Clayton Kamida, Esq.)
- “Hot Topic: Disability Discrimination Claims,” HSBA Labor & Employment Section panel (October 2018) (Moderator)
- “Negotiating So Everyone Wins,” *Hawaii Business Magazine* Wahine Forum (October 2017) (Moderator)
- “Overview of the Defend Trade Secrets Act (DTSA),” HSBA-Labor & Employment Law Section seminar (August 2017) (Moderator)
- “Looking Ahead: What Can Employers Expect in 2017?,” Cades Schutte Corporate Counsel seminar (March 2017) (Presenter with Paul M. Saito, Esq.)
- “Embracing Conflict,” Hawaii Business Leadership Conference (July 2016) (Panelist with Russell Hata and Kawika Riley, moderated by Sunshine Topping)
- “Proactive HR: Implementing Best Practices to Minimize Legal Risks,” Hawaii Employers Council seminar (July 2016) (Co-Presenter with Kristin S. Shigemura, Esq.)
- “Are You Ready for the New Overtime Exemption Rules?,” Cades Schutte seminar (June 2016) (Co-Presenter with David F.E. Banks, Esq. and Paul M. Saito, Esq.)
- “Wage and Hour Update: Recent Decisions and Proposed Changes to FLSA that Employers Need to Know,” Society for Human Resource Management Hawai’i Chapter annual conference (October 2015) (Speaker)
- “Wage and Hour Master Class: The Advanced Interactive Workshop for Employers,” BLR seminar (October 2015) (Co-Presenter with Paul M. Saito, Esq., Cheryl A. Kinoshita, Esq., Min Kirk and Herbert Lee)
- “The Night’s Watch and Employment Law in Hawai’i,” Hawaii State Bar Association, Labor and Employment Law Section seminar (September 2015) (Panelist with David F.E. Banks, Esq., Don Huynh, Esq. and David Simons, Esq.)
- “Crime Shouldn’t Pay: Avoiding Employer Liability from the Use of Criminal Background Checks,” Hawaii Employers Council seminar (July 2015) (Co-Presenter with Kristin S. Shigemura, Esq.)

- “Discipline and Discharge-Necessary Documentation,” National Business Institute, Human Resource Law from Start to Finish seminar (December 2014) (Speaker)
- “Federal Employment Laws You Need to Know,” National Business Institute, Human Resource Law from Start to Finish seminar (December 2014) (Speaker)
- “Files Are Our Friends: Strategies for Complying with Recordkeeping Laws and Avoiding Legal Disputes,” Hawaii Employers Council seminar (May 2014) (Co-Presenter with Kristin S. Shigemura, Esq. and Elijah Yip, Esq.)
- “The Brave New World of Workplace Technology,” National Business Institute, Advanced Employment Issues in Hawai’i seminar (December 2013) (Speaker)
- “EEOC Audits and Enforcement Traps,” National Business Institute, Advanced Employment Issues in Hawai’i Seminar (December 2013) (Speaker)
- “FMLA Master Class for Hawai’i Employers,” BLR seminar (October 2013) (Co-Presenter with David F.E. Banks, Esq., Paul M. Saito, Esq., and Cheryl Kinoshita, Esq.)
- “What Employers Can Do Regarding Social Media Policies, Procedures, Emails and Handbooks,” Society for Human Resource Management Hawai’i Chapter annual conference (October 2012) (Co-Presenter with Elijah Yip, Esq.)