

James J. McDonald, Jr.

Partner

Irvine/Tampa

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Service Focus

- Employment Discrimination and Harassment
- Labor Relations
- Litigation and Trials
- Counseling and Advice
- Employee Leaves and Accommodations

Industry Focus

- Automotive Dealership
- Education
- Energy
- Healthcare
- Higher Education
- Hospitality
- Manufacturing

Overview

Jim McDonald is a partner in the Irvine and Tampa offices who tries employment cases before juries, judges, and arbitrators. He has:

- Defended hundreds of employment lawsuits alleging wrongful termination, employment discrimination, sexual and other forms of harassment, wage and hour violations, retaliation, defamation, and related torts.
- Won numerous trials, arbitrations, summary judgments and motions to dismiss and obtained many favorable settlements in mediation.
- Been designated as an expert witness in several cases.

Jim also advises employers on how to prevent employment disputes from arising and on various strategic human resource management issues. He drafts employment agreements, nondisclosure and confidentiality agreements, and contractor agreements. He has advised employers on the labor and employment law aspects of mergers and acquisitions and corporate restructurings in the hospitality, manufacturing, technology, and services industries.

In addition, Jim advises employers on how to manage union strikes and picketing, has obtained injunctions against unlawful union picketing, and secured a six-figure settlement against a union for unlawful secondary boycott activity. He has counseled numerous employers regarding layoffs and “right-sizing” their workforces, provided advice on the Worker Adjustment Retraining and Notification (WARN) Act, and drafted severance agreements and conducted effects bargaining.

Jim is the author of the book, *California Employment Law: An Employer’s Guide*, published annually by the Society for Human Resource Management (SHRM). He is also editor of the treatise, *Mental and Emotional Injuries in Employment Litigation*, published by BNA Books. He has spoken before many trade and professional organizations on issues such as politics and religion in the workplace, accommodating disabilities under the Americans with Disabilities Act (ADA), the defense of psychological injury claims in employment litigation, new theories of harassment and discrimination, the use of expert witnesses, and current issues in employment law.

Jim taught labor and employment law in the Human Resources Management Program at the University of California, Irvine for 16 years. He is a SHRM Senior Certified Professional in Human Resources (SHRM-SCP).

Recent Experience

Experience

- **Obtained Unanimous Defense Verdict in ADA Title III and Unruh Act Case.** The jury rejected the claim of a member of a country club who had a disability that the club’s policies restricting golf cart access on the golf course discriminated against him and caused other club members to harass him when the policies were not enforced against him. Briefed and argued the case in the court of appeal where the court affirmed the jury’s verdict, and successfully opposed the plaintiff’s petition for review before the California Supreme Court.
- **Won Appellate Court Affirmance of Summary Judgment Victory for Employer in Disability Discrimination Case.** Trial and appellate courts rejected disability discrimination claim by former manager of a national manufacturing company who was terminated after he failed to return to work after 14 months of medical leave.
- **Won Arbitration Victory in Defamation, Tortious Interference Case.** Arbitrator rejected the plaintiff’s claims that her former employer defamed her and interfered with her business following her termination for misrepresenting to an unemployment appeals judge the reason for her missing an appeal hearing.

- **Managed Defense of Major Union Strike with Three Strike Sites.** The Carpenters Union simultaneously struck three construction sites across Southern California of our general contractor client, including two university buildings under construction. Led successful strike effort, including obtaining two picketing injunctions and prosecuting a section 303 lawsuit for unlawful secondary boycott activity that resulted in a six-figure settlement for our client. Striking workers were replaced, and all three projects remained on schedule and on budget.
- **Won Arbitration Victory in Age Discrimination, Breach of Contract Case.** Arbitrator rejected automobile dealership manager's claims that he was terminated in breach of contract and on account of his age, and that he was owed guaranteed bonuses.
- **Obtained Nonsuit During Trial of Disability Discrimination Case.** Court disqualified the plaintiff's expert witness and granted nonsuit on her claim of disability discrimination, finding that her job stress and antagonistic relationship with her manager did not amount to a mental disability. The court also awarded attorneys' fees to the defendant employer.
- **Won Arbitration Involving Claims of Wrongful Termination and Partnership Interest.** Arbitrator rejected claims of former general manager of automobile dealership that he was wrongfully terminated and that he had been granted a partnership interest in the dealership he managed.
- **Obtained Defense Verdict in Whistleblower Case.** Jury rejected claim of former human resources administrator for country club that she was terminated for complaining of employment law violations.
- **Won Bench Trial in Wrongful Termination Case.** Court rejected claim of former manager of a business that he was terminated without good cause in violation of the Montana Wrongful Discharge in Employment Act.
- **Won Arbitration of Sexual Harassment, Retaliation Claims.** Arbitrator rejected plaintiff's claims that she was sexually harassed and terminated for complaining about the harassment and alleged race discrimination against a co-worker.

Credentials

Education

- J.D., 1984, cum laude, Georgetown University
- B.A., 1981, New College of Florida

Bar Admissions

- California
- Florida

Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals for the District of Columbia Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. Court of Appeals for the Fifth Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Seventh 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
- U.S. District Court for the Southern District of California
- U.S. District Court for the Middle District of Florida
- U.S. District Court for the Southern District of Florida

Recognitions

- Recognized in *The Best Lawyers in America* (2007 – 2025)
- Listed in *Lawdragon's 500 Leading U.S. Corporate Employment Lawyers* (2021, 2022, 2024, 2025)
- Named *Best Lawyers in America*, "Lawyer of the Year" - Labor Law - Management - Orange County (2022)
- Named *Best Lawyers* "Lawyer of the Year," Employment Law - Management - Orange County (2015-2016, 2016-2017)
- Recipient of Burton Award for Legal Writing, 2006
- "AV" rated by Martindale-Hubbell

Affiliations

Professional Activities

- Member, Labor and Employment Law Section, American Bar Association
- Member, Society for Human Resource Management

Community Activities

- Vice-Chair, Board of Directors and Chair, Advancement Committee, New College Foundation (2024-present)
- Professional-in-Residence, New College of Florida (2022 - 2024)

- President (2023 - present) and Board Member (2018 - present), Inn on the Beach Association, Inc. (Owners Association at Resort at Longboat Key Club)
- Chairman of the Board of Directors, Greater Irvine Chamber of Commerce (1998-1999 and 2017-2018)
- Vice Chair and General Counsel, Greater Irvine Chamber of Commerce (1999-2016)

Insights

INSIGHTS

12/06/24

In Defense of the PIP: 6 Steps to Develop Effective Performance Improvement Plans

James J. McDonald Jr.

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PUBLICATION

12/04/24

Jim McDonald Discusses Why Employers Are Right to Protect Themselves with PIPs

James J. McDonald Jr.

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NEWS

10/25/24

Jim McDonald Discusses Ways Employers Can Understand and Prevent Hostile Work Environments

James J. McDonald Jr.

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NEWS

06/26/24

SHRM Highlights FP Partner's Presentation at SHRM24

James J. McDonald Jr.

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NEWS

01/27/22

Fisher Phillips Names Jeffrey Thurrell as Regional Managing Partner of Irvine Office

Jeffrey R. Thurrell, James J. McDonald Jr.

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NEWS

08/19/21

Fisher Phillips Attorneys Receive Top Honors in Best Lawyers in America®

Christine E. Howard, James J. McDonald Jr., Stephen C. Mitchell, James C. Polkinghorn, Christopher P. Stief

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NEWS

07/29/21

Irvine Managing Partner Shares Best Practices for Associate Development Amid Remote Work

James J. McDonald Jr.

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INSIGHTS

05/03/21

From Crisis Comes Opportunity: A Silver Linings Playbook For Businesses Emerging From the Pandemic

Benjamin M. Ebbink, Steven M. Bernstein, Melissa A. Dials, Raymond W. Perez, James J. McDonald Jr., Brett P. Owens, Myra K. Creighton, Megan C. Winter, Andria Lure Ryan, Richard R. Meneghello, Courtney Leyes, Laurel K. Cornell, A. Kevin Troutman, Davis C. Bae, William D. Wright, Todd A. Lyon, Steven M. Nobil, Evan Shenkman, John M. Polson, Danielle Hultenius Moore, J. Hagood Tighe, Kathleen McLeod Caminiti, Patrick W. Dennison, Nicholas S. Hulse

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INSIGHTS

01/04/21

For The New Year, New (And Higher) Pay Thresholds In California

James J. McDonald Jr.

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INSIGHTS

12/14/20

The New Year Requires A New Look at Your California Employee Handbook

James J. McDonald Jr.

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