

ATTORNEY BIOGRAPHY



Amanda M. Baer

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Amanda Marie Baer is a senior associate in the firm's Labor, Employment, and Employee Benefits Group. In her employment litigation practice, Amanda defends employers of all sizes, including Fortune 100 and Fortune 400 companies, against claims of and/or involving discrimination, harassment, retaliation, wrongful termination, disability accommodations, and wage and hour laws. On behalf of employers, Amanda prosecutes and defends claims involving noncompetition, nonsolicitation, and confidentiality agreements.

In addition, Amanda regularly advises employers on a myriad of human resources issues, drafts handbooks and policies, leads manager-level trainings (including sexual and protected class harassment trainings), and drafts all types of employment-related agreements. Amanda's skills also include conducting independent investigations into allegations of discrimination, harassment, and retaliation.

A *magna cum laude* graduate from Georgetown University Law Center, Amanda was honored with CALI Awards (given to the highest scoring student) in five classes and named to the Order of the Coif.

Amanda is admitted to the bar of the Commonwealth of Massachusetts and the State of Connecticut, and is admitted to practice before the United States District Court for the District of Massachusetts, the United States Court of Appeals for the First Circuit, the United States District Court for the District of Connecticut, and the United States Supreme Court. Amanda also practices before the Massachusetts Commission Against Discrimination (MCAD) and the Connecticut Commission on Human Rights and Opportunities (CHRO).

In 2016, Amanda was selected by the *Worcester Business Journal* as one of the "40 Under Forty" professionals honored for their professional achievements and community service. *Boston Magazine* and *Law & Politics* have named Amanda a Massachusetts "Rising Star" every year since 2013.

Amanda is the editor of the Labor, Employment, and Employee Benefits Group's blog, "Off the Clock."

Education

JD, *magna cum laude*, Order of the Coif, Georgetown University Law Center, Executive Senior Editor, *Georgetown Journal of International Law*

BA, *summa cum laude*, Providence College (2008)

Bar and Court Admissions

Massachusetts

Connecticut

U.S. District Court for Massachusetts

U.S. District Court for Connecticut

U.S. Court of Appeals for the First Circuit

U.S. Supreme Court

Professional/Community Affiliations

American Bar Association

Federal Bar Association

Massachusetts Bar Association

Georgetown University Law Center, Alumni Admissions Committee

UMass Memorial, Community Legal Aid Partnership, volunteer

YWCA, Personnel Committee

Representative Matters

- Represented employer as second chair during 16-day trial in the U.S. District Court for the District of Massachusetts and successfully secured a directed verdict at the close of evidence on former employee's claim of "regarded as" disability discrimination.
- Obtained summary judgment in Business Litigation Session for employer on an issue of first impression as to whether former employees were owed premium pay for hours worked on Sundays.
- Obtained summary judgment for employer on claim of race discrimination in the U.S. District Court for the District of Massachusetts and secured sanctions against Plaintiff for discovery delays.
- Secured summary judgment for employer on former employee's claim of breach of contract and breach of the implied covenant of good faith and fair dealing, by establishing that the Employment Agreement was unenforceable due to the former employee's misrepresentations and omissions.
- Successfully obtained a preliminary injunction under the federal Defend Trade Secrets Act to protect an employer's trade secret and confidential information when an employee surreptitiously removed documents and a laptop from the company.

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Representative Matters

- Obtained permanent injunction on behalf of employer to prevent former employee from continuing to breach his employment agreement and circulate confidential images of the employer's products.

Publications/Presentations

- "Employers Must Ensure Compliance with the Families First Coronavirus Response Act as they Re-Open and Recall Employees from Furlough," Off the Clock Mirick O'Connell 's Labor, Employment and Employee Benefits Law Blog (July 28, 2020)
- "Resilience & Reopening – Key COVID Updates for HR," HRMA (May 20, 2020) (presenter)
- "Reopening Massachusetts – What Employers Need to Know About Phase 1: Start," Mirick O'Connell Webinar (May 21, 2020)
- "Returning to Work: Considerations for Employers Resuming On-Site Operations During the COVID-19 Pandemic?," Mirick O'Connell Labor, Employment and Employee Benefits Legal Update Client Alert (May 14, 2020)
- "Families First Coronavirus Response Act, Emergency Family and Medical Leave Expansion Act, Emergency Paid Sick Leave Act, with Updates from the DOL's Q&As and Regulations," Mirick O'Connell Webinar (April 6, 2020)
- "Recent COVID-19 Legislation Provides Payroll Tax Relief to Employers," Mirick O'Connell Client Alert (April 1, 2020)
- "Emergency Sick Leave Act," *On Air with Mirick O'Connell* legal podcast (March 25, 2020)
- "UPDATE: Families First Coronavirus Response Act," Mirick O'Connell Webinar (March 2020)
- "Governor Baker Recommends Legislation to Address Challenges Caused by School Closures," Mirick O'Connell Client Alert (March 2020)
- "Brave New World of Noncompetition Agreements in Massachusetts," Mirick O'Connell Labor, Employment and Employee Benefits Seminar (2019)
- "Everything You Need to Know About Sexual Harassment," National Association of Women in Construction (2018) (presenter)
- Quoted in "Steps to Prevent Workplace Harassment," Builder Magazine (January 2018)
- "One on One: Amanda Marie Baer," Worcester Telegram & Gazette (August 2017)
- "A Changing Landscape – The Evolution of How We Communicate in Professional Context, and the Rapid Growth of Social Media," MCLE (2017) (keynote presenter)
- "Companies Determine Practices When Marijuana Becomes Legal in Massachusetts," WCVB Interview (November 2016)
- Quoted in "4 Questions About the 'Robust' Massachusetts Pay Law, Answered," HR Dive (August 2016)
- Quoted in "New Mass. Pay Equity Law Prohibits Salary-History Questions," SHRM (August 2016)
- Quoted in "Massachusetts Makes Asking About Salary History a Thing of the Past," US News & World Report (August 2016)
- Quoted in "How Massachusetts' New Pay Law Will Help Close the Gender Wage Gap (and How it Won't)," Fast Company (August 2016)
- Quoted in "This Popular Interview Question is Now Illegal in Massachusetts," Inc. (August 2016)
- Quoted in "Job Interviewers Can't Ask this Question in Massachusetts Anymore," Huffington Post (August 2016)
- "Massachusetts Voters Approve Paid Sick Leave Law," Mirick O'Connell Client Alert (November 2014)
- "Teacher-on-Student Bullying: Is Your Massachusetts School District Ready for This Test," Northeastern University Law Journal (Spring 2014)
- "Preventing Discovery of Accountants' Materials and Communications," Mirick O'Connell Client Alert (July 2013)
- "MOOCs When Opening Door to Education, Institutions Must Ensure that Participants with Disabilities Have Equal Access," New England Journal of Higher Education (July 2013)
- "Best Practices for Advising Clients on Cyber Security," American Bar Association Criminal Litigation Journal (March 2013)
- "The New Medical Marijuana Law: Must Massachusetts Employers Now Make Exceptions to their Policies on Illegal Drug Use?" Mirick O'Connell Labor, Employment and Employee Benefits Legal Update (December 2012)
- "Teachers Who Bully," American School Board Journal (December 2012)

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Publications/Presentations (continued)

- “Fisher v. University of Texas: Insight into the Meaning and Importance of Diversity,” HRMA Perspectives (November 2012)
- “Traps for the Unwary in Independent Investigations,” Massachusetts Bar Association Annual In-House Conference (2012) (co-author)
- “Penalties for Clery Act Violations May Devastate Penn State,” Mirick O’Connell Higher Education Law Legal Update (August 2012)
- “Department of Veteran Affairs Asks Institutions of Higher Educations to Commit to Unannounced Principles of Excellence,” Mirick O’Connell Law Legal Update (July 2012)
- “Business Litigation Highlights – 2011,” Massachusetts Bar Association Annual In-House Conference (2011) (co-author)
- "Patent Reform Arrives: What You Need to Know to Stay Ahead of the Competition," Mirick O'Connell Intellectual Property Legal Update (September 2011)