

Carrie M. Francis

PARTNER

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Office: Phoenix



With an MBA and business degree, Carrie thinks like a business owner to better understand her clients' needs and goals throughout the litigation process.

Carrie defends management clients in employment and commercial disputes across a broad range of industries nationwide. Her trial experience spans more than 20 years, informed by a keen understanding of technological and legislative changes impacting how companies do business.

Carrie represents a broad range of companies in complex state and federal wage and hour, class or collective-action Fair Labor Standards Act (FLSA) matters and other complex litigation. Her matters have involved exempt status misclassification, independent contractor misclassification, overtime, off-the-clock work, meal and rest periods, itemized wage statements, vacation pay, commissions, wrongful termination, unfair competition, violation of public policy and common law tort claims.

In addition, Carrie defends clients in unequal pay, race, sex/gender, pregnancy, age, disability, religion and hostile environment harassment, whistle-blower and other forms of retaliation, constructive discharge, wrongful termination and reasonable accommodation claims. She also handles trade secret misappropriation, unfair competition, covenants not to compete

PRACTICES & INDUSTRIES

Labor, Employment & Benefits
Business Litigation
Native American Law & Tribal Governance
Class Action
Employment Investigations & Compliance
Employment Litigation
Transportation

ADMISSIONS

Arizona, 2000
California, 2016
U.S. District Court for the District of Southern California, 2016
U.S. District Court for the District of Central California, 2016
U.S. District Court for the District of Northern California, 2016
U.S. District Court for the District of Eastern California, 2019
U.S. District Court for the District of

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and employment agreements.

In an era when few cases go to trial, Carrie has considerable trial skills and experience before federal and state courts, tribal courts, arbitration panels and administrative agencies. During trial, Carrie incorporates the use of advanced courtroom technology to tell the client's story more effectively.

EXPERIENCE

Carrie has counseled clients in industries including automotive, construction, education, funeral, health care, hospitality, manufacturing, technology, transportation and logistics, retail, pharmaceutical, real estate, tribal communities and other clients.

Automotive

She defended a car rental company against claims prosecuted by the Equal Employment Opportunity Commission for failure to accommodate an individual employee's religious attire as a deviation from company uniform and attire policy.

She defended an auto dealership against allegations by two service technician plaintiffs of national origin discrimination and retaliatory termination prosecuted by the Equal Employment Opportunity Commission.

Carrie defended an auto dealership against five sales department plaintiffs alleging constructive discharge, age, race, disability and gender discrimination, sexual harassment and retaliation.

Construction

She defended a regional construction company in arbitration against an employee plaintiff alleging sexual harassment and whistleblower claims.

Colorado, 2007

U.S. District Court for the District of Arizona, 2000

U.S. Court of Appeals for the 9th Circuit, 2001

U.S. Court of Appeals for the 4th Circuit, 2021

U.S. Supreme Court, 2005

Hualapai Tribal Court, 2015

EDUCATION

Arizona State University College of Law, J.D., *cum laude*, 2000

Arizona State University, MBA, 1999

Arizona State University, B.S., *magna cum laude*, 1996

Tribal Human Resources Certified (THRP Certified, 2016)

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Funeral

Carrie defended an international cemetery and funeral home conglomerate in various multistate FLSA actions in which a nationwide group of former employees alleged that the company instituted illegal pay policies to prohibit the recording of straight time or overtime hours for certain categories of hours worked.

She defended an international cemetery and mortuary company in malpractice trial against four sibling plaintiffs alleging negligent interment, and intentional and negligent infliction of emotional distress.

Defended national funeral company in class misclassification, harassment, and PAGA cases in multiple California state court jurisdictions against independent contractor direct sales service providers.

Health Care

She represented a diagnostic imaging company in claims for breach of lease and violation of non-disclosure terms.

Representing medical device manufacturer (California based) in nationwide and international non-compete enforcement defense efforts to facilitate sales staff hiring from competing manufacturers.

Real Estate

Carrie defended a real estate company against a designated broker asserting whistleblower and retaliatory discharge claims.

She defended a property manager company against complaints of housing and disability discrimination.

Shipping and Transportation Logistics

She defended a national package delivery company in claims of disability discrimination and retaliatory termination against a driver employee.

Carrie represented a delivery company for breach of independent contractor agreement with a retailer.

She has advised trucking, transportation and delivery companies on operational employment issues, including the Motor Carrier Exemption of driver employees.

Tribal Communities, Other Business Entities, and Other Relevant Experience

Carrie successfully defended a business entity against the claim of a violation of the Family and Medical Leave Act and the Americans with Disabilities Act.

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Defending cosmetology school (California and Georgia based) in defense of employment and student based claims and investigations of all forms of whistleblower complaints.

Carrie defended a tribal business entity against the claims of a marketing vendor for breach of contract.

She represented a high level executive in a business defamation suit resulting in a multimillion dollar award.

Carrie has represented employers, private club or 501(c)(7) entities, and sovereign tribal entities in employment matters including wage payments, exempt classification, hiring, discipline, termination, discrimination and harassment and related litigation.

She has represented companies in litigation concerning commercial contract disputes, trade secrets and non-competition agreements.

Represented high end clothing company in non-compete and severance negotiations with separating CEO (California based CEO and Kansas based company).

Carrie speaks and writes on employment law topics. She teaches a course at Arizona State University Law School, "Litigation and Courtroom Technology," which instructs students to augment oral advocacy through demonstrative aids, images and videos.

RECOGNITIONS

Selected to the 2023, 2024 editions of *Best Lawyers in America*©

Recognized in the 2018-2023 editions of *Chambers USA: America's Leading Lawyers for Business* for Labor & Employment. Carrie was described as "*spectacular*" by one source. She brings considerable skill to wage and hour disputes, a range of discrimination cases and matters relating to the ADA. "*She has a breadth of knowledge that has been very helpful. Her litigation experience provides valuable insight,*" one client says.

Selected for inclusion in *Southwest Super Lawyers*® for Employment & Labor in 2015-2018

Selected for inclusion in *Southwest Rising Stars* for Employment & Labor Law, 2012 and 2013

Listed in the 2012 Top Lawyers ranking by *AZ Business Magazine's* Ranking Arizona, 2012

PROFESSIONAL & CIVIC ACTIVITIES

Tribal Human Resources Certified (THRP), 2016

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State Bar of Arizona

State Bar of California

Arizona Women Lawyers Association

Volunteer Lawyers Program, Pro Bono Attorney

NEWS

Chambers USA 2023 Legal Guide Recognizes Stinson Attorneys and Practice Groups

06.05.2023

152 Stinson Attorneys Selected to the 2023 *Best Lawyers in America* List

08.18.2022

The 2022 *Chambers USA* Guide Recognizes Stinson Attorneys and Practice Groups

06.02.2022

Chambers USA Recognizes Stinson Attorneys and Practice Groups Nationwide

05.25.2021

Chambers USA Recognizes Stinson Attorneys and Practice Groups Nationwide

04.29.2020

SPEAKING ENGAGEMENTS

Co-presenter, “The Law of the Land: Recent Legal Decisions & Hot Topics Affecting Tribal Employers,”
The 2018 REDW Tribal Finance & Leadership Conference, November 2018

Co-presenter, “Sovereignty & U.S. Agencies,” 2018 NNAHRA Annual Conference

Co-presenter, “2017 Indian Law Update” and “A Job Worth Doing,” 2017 NNAHRA Annual Conference

Co-presenter, at 2016 Arizona SHRM Conference, September 2016

“Hot Legal Topics Today,” SWSPGA Education Summit, April 2015

“I-9s and the Interview Process: Avoiding Pitfalls,” The Greater Southwest Chapter Club Managers
Association of America, August 2014

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New Challenges in HR for 2023 - Phoenix
Association of Corporate Counsel & Stinson LLP Event
Phoenix Country Club , 02.21.2023

New Challenges for HR in 2022
02.03.2022

New Challenges for HR in 2021
02.04.2021

Business Law Update - Minneapolis
Surly's Brewing Co., 02.27.2020

New Challenges for HR in 2020 - Phoenix
Stinson LLP - Phoenix, 01.30.2020

PUBLICATIONS

"California Case is the Latest to Address Whether Worker is an Independent Contractor or Employee,"
Stinson Leonard Street Alert, February 2018

"California: The Transgender Work Opportunity Act," Stinson Leonard Street Alert, November 2017

"New California Law Bans Salary History Questions," Stinson Leonard Street Alert, October 2017

"California's 'New Employee Leave Act' Will Impact Small Businesses," Stinson Leonard Street Alert,
October 2017

Co-author, "Danger: Service Charges and Tipping Policies," Club Director, Summer 2016

"To Tip or Not to Tip," Stinson Leonard Street Article, July 2016

"Tribal Employment and Jobs Protection Act Seeks to Exempt Native American Tribes from ACA," Stinson
Leonard Street Alert, June 2016

"EEOC Addresses Interplay Between Pregnancy Discrimination Act and ADAA," Stinson Leonard Street
Insight, July 2014

California Consumer Privacy Act's Employee and Business-to-Business Exemptions Expire Effective
January 1, 2023 *How Should Employers Prepare?*
12.16.2022

California Supreme Court Expands "Regular Rate of Compensation" for Missed Breaks

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07.21.2021

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