



Nakimuli O. Davis-Primer

Shareholder

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Nakimuli O. Davis-Primer concentrates her practice in the areas of labor and employment and commercial litigation.

Nakimuli's practice focuses on employment law and commercial litigation.

A large part of Nakimuli's practice involves partnering with clients to create respectful workplaces that comply with federal, state, and local laws. Nakimuli regularly counsels and advises clients on workplace issues; reviews, revises, and creates employee handbooks and policies that align with the client's overall mission and goals; creates and conducts training programs for executive leaders and management- and supervisory-level employees; and assesses and evaluates measures that will reduce legal risks associated with employment-related decisions. Clients also call upon Nakimuli to conduct internal investigations and for advice on leave and accommodation issues, termination decisions, pay, and other employment decisions, including guiding employers through reorganizations, reductions in force, restructuring, voluntary buy-out programs, and internal audits of position classification to ensure compliance with the Fair Labor Standards Act.

A unique aspect of Nakimuli's employment practice includes collaborating with clients on Diversity, Equity, and Inclusion (DEI) initiatives. More specifically, Nakimuli works with clients on various issues ranging from creating and evaluating cultural audits and employee surveys to use to create DEI initiatives and goals, social media policies, D&I policies, and communication strategies surrounding issues relating to DEI. Nakimuli frequently partners with clients to create ongoing training programs that raise awareness of, identify tools and strategies for, and reinforce best practices to create sustainable inclusive workplaces. These measures are critical to increasing employee engagement and reducing legal risk, particularly the risk of harassment and discrimination claims.

In addition to the advice and counsel aspect of her employment practice, Nakimuli also represents clients in litigation and administrative actions, including proceedings before the Equal Employment Opportunity Commission (EEOC), Unemployment Commission, and the Department of Labor. She defends employers in single and multi-plaintiff litigation filed pursuant to various state and federal laws, including Title VII of the Civil Rights Act, Title VI of the Civil Rights Act, Section 1981, the Americans with Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA), the Rehabilitation Act, the Family and Medical Leave Act (FMLA), Section 1983, the Equal Pay Act (EPA), and the Fair Labor Standards Act (FLSA).

Nakimuli has extensive experience representing manufacturers as well as higher education institutions on various employment-related issues. Since the COVID-19 pandemic began in 2020, Nakimuli has counseled and advised employers across numerous industries, including manufacturing, education, banking, health care, and hospitality, on novel issues relating to leaves and accommodations, the Families First Coronavirus Response Act (FFCRA), reductions-in-force, furloughs, COVID-19 exposures and diagnosis, hiring, terminations, return-to-work protocols, Occupational Safety and Health Administration (OSHA) compliance, vaccination mandates, and COVID-19 testing issues and concerns.

Nakimuli's commercial litigation practice involves representing companies on breach of contract, fraud, personal injury, premises liability, intentional torts, and related issues. She has experience representing insurance carriers on breach of insurance policy claims and bad faith claims and in representing the carriers' corporate insureds in litigation ranging from premises liability, breach of contract, breach of duties of good faith

and fair dealing, bad faith, employment, and negligence claims. Nakimuli also has experience reviewing and evaluating insurance policies to assist insurers with making coverage decisions and representing insurers in declaratory judgment actions. Most recently, Nakimuli has gained significant experience litigating federal condemnation actions.

Prior to joining Baker Donelson, Nakimuli was a law clerk to the Honorable Leslie H. Southwick of the U.S. Court of Appeals for the Fifth Circuit. As a law clerk, she analyzed complex litigation issues, including the issues she handles. Nakimuli currently serves as an Adjunct Professor at the Mississippi College School of Law, teaching Employment Law. She is licensed in Georgia, Mississippi, and Tennessee.

Representative Matters

- Obtained summary judgment in favor of client in a discrimination lawsuit alleging age discrimination in violation of the Age Discrimination in Employment Act.
- Obtained dismissal of Title VII gender discrimination claim, ADEA age discrimination claim and Section 1983 and Section 1981 claims alleged against a school district.
- Successfully resolved state court litigation alleging FLSA violations against a higher education institution for their alleged failure to pay for overtime and alleged hours worked.
- Successfully represented a higher education client on multiple charges of discrimination alleging disability, age, and gender discrimination claims against the institution before the Equal Employment Opportunity Commission.
- Successfully defended federal court litigation against a health care client on alleged violation of the Families First Coronavirus Response Act (FFCRA) due to an employee's diagnosis of COVID-19.
- Obtained summary judgment in favor of client in a discrimination lawsuit filed in federal court by a truck driver alleging race and age discrimination in violation of Title VII and the ADEA and successfully defended the appeal before the U.S. Court of Appeals for the Fifth Circuit and the United States Supreme Court.
- Obtained dismissal in favor of the client for a wrongful termination lawsuit in Mississippi state court attempting to rely on a novel expanded view of the exceptions to the at-will doctrine and successfully defended appeal before the Mississippi Court of Appeals and Mississippi Supreme Court.
- Obtained dismissal in favor of a client in a breach of contract and constructive fraud case involving alleged failure to properly inspect a home and reveal termite infestations.
- Conducted more than 100 trainings and presentations on DEI issues for over 1,000 attorneys, law students, human resource professionals, corporate leaders, managers and supervisors, and other client staff and employees on defining DEI, implicit (unconscious) bias, generational diversity, inclusive communication strategies, increasing employee engagement, and other diversity and inclusion issues, best practices, and concerns.
- Successfully defended various clients against litigation filed by the EEOC including an action asserting violations of the Equal Pay Act and alleged pay discrimination in violation of Title VII and an action asserting a failure to hire an individual in a wheelchair due to their disability.
- Obtained multiple summary judgment rulings in favor of clients in premises liability cases including one case involving a trip-and-fall on a set of stairs on the property and another involving a fall down a hill on the property.
- Obtained dismissal in favor of insurer in a case alleging bad faith breach of contract for denying life insurance premiums and seeking more than \$500,000 in compensatory damages as well as extra-contractual, consequential and punitive damages.
- Represented multiple employers, including state agencies, health care facilities, assisted living facilities, nursing homes, and manufacturers, and obtained favorable resolutions in EEOC administrative proceedings by responding to charges of discrimination and investigator questions, interviews, requests for information, mediations and conciliations.

- Obtained summary judgment in favor of an insurance company client in a case alleging bad faith breach of insurance policy including issues concerning mold coverage, liability for contractor's negligence and gross negligence in claims handling.
- Obtained favorable ruling from the Mississippi Court of Appeals affirming dismissal of claims against insurance company client in which the plaintiff sought \$750,000 in compensatory damages and over \$2 million in punitive damages for bad faith failure to pay insurance benefits under a homeowner's policy and successfully defended request for Certiorari to the Mississippi Supreme Court.
- Obtained summary judgment on behalf of a mortgage servicer where the borrower asserted standing and debt collection issues and sought to invalidate the debt and deed of trust. Successfully briefed the mortgage servicing issues, including standing and statutory construction in nonjudicial foreclosure action before the U.S. Court of Appeals for the Fourth Circuit.
- Defended a poultry processor against race, national origin, and gender discrimination, retaliation, and harassment claims brought by 11 individual plaintiffs and a pattern and practice claim brought by the Equal Employment Opportunity Commission seeking to recover equitable relief, compensatory damages, and punitive damages on behalf of more than 100 class members that ultimately resulted in a favorable settlement for the client.
- Obtained consent judgment that an insurance policy was void *ab initio* in a declaratory judgment action resulting in the insurer only repaying the insurance premium.
- Obtained summary judgment in favor of the client in a case alleging *respondeat superior* claim by demonstrating the alleged negligent actor was not an employee of the client but an independent contractor.
- Obtained dismissal of a lawsuit filed by a former employee claiming bad faith denial of workers' compensation benefits.
- Successfully resolved an OSHA complaint against a manufacturing client made by a former employee alleging their termination violated the whistleblower provisions of Section 11(c) of the OSH Act, 29 U.S.C. 660.



Professional Honors & Activities

- Listed in *The Best Lawyers in America*® for Litigation - Labor and Employment (2024)
- Listed in *Chambers USA* as a leading Labor & Employment lawyer in Mississippi (2022, 2023)
- Named to Lawyers of Color's Wonderful Women inaugural list (2023)
- Recognized by Bloomberg as a [2022 They've Got Next: The 40 Under 40](#)
- Named a Rising Star by Minority Corporate Counsel Association (2022)
- Recognized by the American Bar Association Young Lawyers Division as a [2020 On the Rise – Top 40 Young Lawyer](#)
- Recognized as a Top 10 Finalist for the *Mississippi Business Journal's* Top 50 under 40 Business and Civic Leaders (2020)
- Recognized by National Black Lawyers as a Top 100 Attorney (2015 – 2019)
- Selected to Mid-South Super Lawyers in Employment Litigation: Defense (2023)
- Selected to Mid-South Rising Stars (2014 – 2022)
- Recipient – Capital Area Bar Association Outstanding Service Award (2018)
- Recipient – Jackson Young Lawyers Outstanding Service Award (2013)
- Named to PORTICO 10 by *Portico Magazine* (2015)
 - Recognized as one of the top 10 up-and-coming attorneys in the Jackson metro area
- Named to Lawyers of Color's inaugural "Hot List" (2013)
 - Recognized as one of 100 early to mid-career minority attorneys under 40 from the South who are excelling in the legal profession.
- Editor – Baker Donelson's Diversity Newsletter (January 2020 – present)
- Vice Chair – Baker Donelson Diversity and Inclusion Committee
- Chair – Baker Donelson Diversity & Inclusion Communications Committee

- Co-Chair – Baker Donelson's BakerBridge Initiative, a Firm initiative that provides legal services, counsel, and support to minority owned businesses
- Leadership Council on Legal Diversity
 - Member – Pathways to Equity Project Committee (June 2022 – present)
 - 2017 Fellows Class Liaison (2021 – present)
 - Fellow (2017, current Alumnae)
 - Pathfinder (2016)
- Fellow – American Bar Foundation (since 2016)
- American Inns of Court, The Charles Clark Inn
 - Barrister (2019 – present)
 - Associate (2013 – 2015)
- Jackson Young Lawyers Association
 - Co-chair of Community Service Committee (2012 – 2014)
- Mississippi Bar
 - Disaster Legal Assistance Committee Volunteer Coordinator (2012 – 2013)
- American Bar Association
 - Diversity Liaison for the Workers' Compensation Committee (2014 – 2016)
- Magnolia Bar Association and Metro Jackson Black Women Lawyers Association
- Capital Area Bar Association
 - Chair of Diversity Committee (2016 – 2018)
 - Director on Executive Board (2019 – 2021)
 - Liaison to Diversity Committee and Board (2019 – 2021)
- Adjunct Professor at Mississippi College School of Law
 - Employment Law (Spring 2021 – present)
 - Legal Writing (Spring 2010 and Spring 2011)
- Law Clerk – The Honorable Leslie H. Southwick, U.S. Court of Appeals for the Fifth Circuit (2009 – 2010)



Civic Honors & Activities

- Board Member – Springboard to Opportunities (January 2023 – present)
- Board of Trustees – Mississippi Museum of Art (2021 – present)
 - Personnel Subcommittee Member (2021 – present)
- Graduate – Leadership Greater Jackson, class of 2014 – 2015
- Honored – Volunteer of the Year by Jackson Public School District for service to Dawson Elementary School (2013)
- Member – Alpha Kappa Alpha Sorority, Inc. (2003 – present)
 - Member – Beta Delta Omega Chapter (January 2022 – present)



Publications

- "Diversity Matters: Note from the Editor," *Diversity Matters Newsletter* (Winter 2023)
- "Diversity Matters: Note from the Editor," *Diversity Matters Newsletter* (Summer 2023)
- "Should Your Organization Consider a Sponsorship Program?," *Diversity Matters Newsletter* (Summer 2023)
- "Diversity Matters: Note from the Editor," *Diversity Matters Newsletter* (Winter 2022)
- "Making a List, and Checking it Twice: The Importance of Accurate and Complete Employee Evaluations," *Diversity Matters Newsletter* (Winter 2022)
- "Diversity Matters: Note from the Editor," *Diversity Matters Newsletter* (Fall 2022)
- "Diversity Matters: Note from the Editor," *Diversity Matters Newsletter* (First Quarter 2022)

- "How These Two Black-Owned Businesses Are Thriving Thanks to the Power of Connectivity," *Diversity Matters Newsletter* (First Quarter 2022)
- "How Employers Can Begin Preparing for the EEOC's Focus on AI," *Diversity Matters Newsletter*, republished May 12, 2022, by SHRM (First Quarter 2022)
- "Diversity Matters: Note from the Editor," *Diversity Matters Newsletter* (Fourth Quarter 2021)
- "Improving Employee Engagement During the Holidays," *Diversity Matters Newsletter* (Fourth Quarter 2021)
- "Diversity Matters: Note from the Editor," *Diversity Matters Newsletter* (Third Quarter 2021)
- "'Diversity Ever After' Podcast Season A Wrap," *Diversity Matters Newsletter* (Third Quarter 2021)
- "Diversity Matters: Note from the Editor," *Diversity Matters Newsletter* (Second Quarter 2021)
- "COVID-19 Vaccinations: Should You Require Employees to Take Them?," republished December 31, 2020, in *Westlaw* (Updated December 8, 2020; Originally Posted December 2, 2020)
- "Asurion Makes Diversity & Inclusion a Top Priority," *Diversity Matters* (Third Quarter 2020)
- "Diversity Matters: Note from the Editor," *Diversity Matters* (Third Quarter 2020)
- "Artificial Intelligence and Bias: Considerations to Prevent Bias and Mitigate Legal Risk of Employers," *Diversity Matters* (Third Quarter 2020)
- "Diversity Matters: Note from the Editor," *Diversity Matters* (Second Quarter 2020)
- "Coronavirus: DOL Issues Initial Q&A Guidance and Fact Sheet on the Families First Coronavirus Response Act" (March 25, 2020)
- "President Signs the Families First Coronavirus Response Act into Law" (March 18, 2020)
- Diversity *Did you know?* Column on Model Rule 8.4, Capital Area Bar Association Newsletter (December 2017)
- "Transgender Complaints on the Rise: What Should Employers Do?" (May 2015)
- "Following the Road to LGBT Equal Protection" (September 2014)
- "Georgia May Give Employers Three Strikes for Failing to Respond to Unemployment Claim Notices But Other States are Not as Lenient" (January 2014)
- "OSHA Urges Retail Employers to Focus on Crowd Management During Holiday Sales" (November 2013)
- "Employers Must Pay Minimum Wage and Overtime to Home Care Workers They Jointly or Solely Employ" (October 2013)
- "Breast-Pump Discrimination is Title VII Sex Based Discrimination" (July 2013)
- "Reselling Digital Music: Is there a Digital First Sale Doctrine," *Loyola of Los Angeles Entertainment Law Journal* (2009)



Speaking Engagements

- "Leading Across Multiple Generations," Mississippi Bar Leadership Class (March 2023)
- "Candid Conversation about Diversity and Inclusion," facilitated discussion with group of foreign diplomats visiting as part of the German American Chamber of Commerce (GACC) in Atlanta, Georgia (October 2022)
- "Oh the People You Will Meet: Generational Differences in the Legal Profession," University of Mississippi School of Law to Externship Class (May 2022)
- "Best Practices for Increasing Employee Engagement," 25th Annual Mississippi SHRM Conference (May 2022)
- "State of the Law Firm Culture," LawLine DEI Summit "A Real Conversation about Gender" (November 2021)
- "The Post-COVID Workplace: Reimaging, Rebooting, Rebuilding," The Inclusion & Equity Virtual Summit: South (October 13, 2021)
- "Diversity, Equity & Inclusion," German American Chambers of Commerce's SME Business Development Conference (September 2021)

- "Guidance Regarding Covid-19 Workplace Concerns," Mississippi Corporate Counsel Association (August 2021)
- "Top 5 FAQs related to COVID-19 Vaccinations," Charles Clark Inn of Court (May 2021)
- "Oh the People you Will Meet: Generational Diversity Considerations for Law Students," Mississippi College School of Law (May 2021)
- "Health Law Employment Law Update," Health Law Section of Mississippi Bar (April 2021)
- "Allies for Women of Color in the Legal Profession," Blue Plan Legal Department Cooperative, 2021 National Teleconference Series (March 2021)
- "Key Policies and Procedures in the Wake of COVID-19," Regions Bank CLE (September 2020)
- "Covid-19 and the Workplace," Mississippi Corporate Counsel Association and Mississippi Bar (July 2020)
- "Life Cycle of an Employee: Separations from Employment" (January 2020)
- "Obstacle or Opportunity: Communicating Across Generations," University of Mississippi Winter Mississippi Municipal Attorney Association CLE (January 2020)
- "Generational Differences in the Workplace," Mississippi Corporate Counsel Association's monthly luncheon, Jackson, Mississippi (August 2019)
- "Implicit Bias: Unconscious Decisions and Ethical Considerations," Mississippi Bar Labor & Employment Section (July 2019)
- "Understanding Generations," Bay St. Louis Rotary Club (May 2019)
- "Employment Law Update," University of Mississippi CLE (May 2019)
- "Can't We All Just Get Along: Understanding Generational Differences," Evelyn Gandy Lecture Series (February 2019)
- "Closing the Divide: How Young Lawyers Can Transcend Generational Differences in the Legal Profession," Capital Area Bar Association Flash CLE (March 2018)
- "Discrimination in Pay: Beyond the Numbers," University of Mississippi Center for Continuing Legal Education's Last Chance CLE (September 2017)
- "Embracing a Multigenerational Legal Profession," Capital Area Bar Association (April 2017)
- "Internal Investigations & Corrective Measures," University of Mississippi's Center for Continuing Legal Education's Current Issues in Employment Law CLE Seminar (May 2016)
- "Employee Misconduct Investigations & Discipline," Mississippi Municipal Attorney's Association (January 2016)
- "The Unemployed Employee," The Northeast Mississippi Human Resources Association (June 2015)
- "Shaking Things Up: A View from the Bench, the Bar and Beyond," Capital Area Bar Association (April 2015)
- "Employment Law Update," CLE presentation for The University of Mississippi School of Law (April 2015)
- "The Unemployment Claims Process," Mississippi Hospitality & Restaurant Association's Restaurant University, Jackson, Mississippi (June 2014)
- Panelist – "Women in the Profession," Tougaloo College Law Day (2011)
- "Transitioning from an Engineering Background to Attorney," Mississippi State University (2011)



Webinars

- DE&I: Looking Ahead (October 2023)
- Our Road to Success (February 2021)
- Baker Donelson Women's Initiative Wrap it Up CLE Webinar (December 2020)
- Working Through COVID-19: Legal Considerations and Top Three Issues Employers are Facing Due to COVID-19, Mississippi Corporate Counsel Association and Mississippi Bar (July 2020)
- Return to Work Protocol – What Employers Need to Know (April 2020)
- Your Questions Answered Part 2: Understanding Employer Rights and Obligations Under the New DOL Regulations on Paid COVID-19 Leave (April 2020)

- Your Questions Answered: What Does the Families First Coronavirus Response Act Mean for Employers? (March 2020)



Education

- Cornell University, Diversity & Inclusion Certificate Program through eCornell, October 2020
- University of Mississippi School of Law, J.D., magna cum laude, 2009
 - Hugh C. "Buzzy" Clayton Memorial Scholarship Recipient
 - Executive Articles Editor, *Mississippi Law Journal*
 - President, Phi Delta Phi
 - Treasurer – Black Law Student Association
 - Tutor – Oxford Boys and Girls Club
 - Volunteer – North Mississippi Rural Legal Services
 - 11th Annual Entertainment Law Initiative Writing Competition Finalist, 2009
- Mississippi State University, B.S. in Computer Science & Engineering (minors in Software Engineering and Math), magna cum laude, 2005



Admissions

- Georgia, 2021
- Tennessee, 2009
- Mississippi, 2009
- U.S. Supreme Court, 2018
- U.S. Court of Appeals for the Fifth Circuit, 2009
- U.S. Court of Appeals for the Eleventh Circuit, 2022
- U.S. District Court for the Central District of Illinois, 2021
- U.S. District Court for the Northern District of Georgia, 2022
- U.S. District Courts for the Northern and Southern Districts of Mississippi, 2009