



Jonathan C. Hancock

Shareholder

Memphis | 901.577.8202 | jhancock@bakerdonelson.com

Jonathan Hancock's practice includes both a focus on employment litigation and an emphasis on partnering with clients across the country to effectively address and resolve issues that arise in the workplace.

Mr. Hancock regularly represents employers in a variety of economic sectors, including health care, financial services, and product design, engineering, and manufacturing. For more than 25 years, he has worked with companies to resolve issues facing their most important resource: their workforce. Mr. Hancock has appeared before administrative agencies and state and federal courts across the country, achieving successful results when required and finding ways to resolve complicated matters when needed. Most recently, he was appointed to serve on the Tennessee Board of Professional Responsibility by the Tennessee Supreme Court.

Mr. Hancock has more than two decades of experience handling claims such as wrongful termination, discrimination, harassment, and retaliation. He has also served as counsel to management clients as they address all aspects of employment law and litigation, including employee counseling and termination, proactive employee training, and handling employee complaints and claims.

Mr. Hancock also serves as counsel to clients in complex litigation matters, including class and collective actions, federal compliance actions, municipal and governmental defense cases, and various civil litigation matters. His diverse litigation experience across multiple industries and in multiple forums mirrors his ability to adapt to any client's business environment and needs. This skill allows him to become a meaningful contributor and partner when needed.

Mr. Hancock is a frequent speaker and writer whose articles have appeared in BNA's *Employment Discrimination Law*, the American Bar Association's *Labor and Employment Law Newsletter*, the University of Memphis *Law Review*, *The Commercial Appeal*, the *Practical Law Company*, and *HR Professionals of the Mid-South* magazine, among other publications. Mr. Hancock also often speaks on employment and civil litigation topics for a variety of clients and groups, including the Association for Corporate Counsel, The Society for Human Resource Management, the National Association of Legal Administrators, the Memphis Bar Association, and the Tennessee Bar Association and others.

Representative Matters

Health Care

- Secured complete dismissal of a gender discrimination lawsuit and an award of more than \$100,000 in attorney's fees, interest, and expenses on behalf of a major health care provider on a successful Motion for Sanctions for Spoilation of Evidence and Unclean Hands against the plaintiff, based upon the discovery that the plaintiff deleted relevant text messages. Defended dismissal and attorney's fee award on appeal.
- Prevailed on summary judgment motion securing judgment in favor of an independent medical consulting group in a lawsuit brought by a hospital pursuant to Employee Retirement Income Security Act of 1974 (ERISA).
- Defended Hospital System's COVID-19 vaccine mandate against efforts to certify a class of employees in a wage and hour, and discrimination injunctive and monetary relief lawsuit, resulting in complete dismissal without appeal.

Financial Services

- Represented client in the financial services industry through the Financial Industry Regulatory Authority (FINRA) gender discrimination and harassment arbitration hearing and secured complete finding in the client's favor on all claims asserted by a former employee.
- Represented client in the financial services industry through FINRA whistleblower and breach of contract counterclaim arbitration hearing and secured complete finding in client's favor on all claims asserted by a former employee, inducing award of counterclaim monetary judgment in client's favor and attorney's fee award.

Manufacturing

- Won motion to dismiss in Pennsylvania federal court resulting in dismissal of plaintiff's potentially multimillion dollar commission claim, with prejudice and without further appeals.
- Lead counsel in a complicated disability discrimination and Family and Medical Leave Act (FMLA) interference and retaliation case dismissed following the court's grant of summary judgment to the client.
- Coordinated a response with our client following the discovery of KKK insignia at a manufacturing facility, including assistance with the investigation, termination of employment following identification of parties involved, and communication strategy with remaining employees. Successfully defended the claim by an employee targeted by alleged harassment, resulting in the federal magistrate's recommendation of dismissal.
- Negotiated significant tax incentives with the Tennessee Department of Economic and Community Development (TECD) on behalf of a Memphis-based manufacturer seeking incentives based on relocation of the manufacturing line and employees.
- Successfully negotiated a settlement in a multiplaintiff racial harassment and discrimination action filed against a manufacturer in federal court in South Carolina.
- Won summary judgment on behalf of a technology and electrical equipment company in an employment discrimination lawsuit in Arkansas federal district court.

Municipal

- Successfully defended the mayor of Memphis in a labor dispute filed by the City of Memphis labor unions, alleging numerous constitutional violations and other claims arising out of prior negotiations with the city of Memphis and the failure of the circumstances to trigger the city's charter provision that requires an impasse procedure. The federal judge dismissed all claims against the mayor, both in his individual and official capacity.
- On behalf of a municipal client, obtained a directed verdict at trial against claims by multiple employees alleging unlawful pay disparities.
- Counsel in whistleblower retaliation case dismissed on a preliminary motion to dismiss. Handled appeal and partial remand without reversal and secured final dismissal on merits.
- Served as counsel in appeal of termination of employment by a public employee alleging multiple constitutional violations. Successfully orchestrated victory before the civil service commission, trial court, and appellate court securing favorable results at each stage of litigation.
- Served as counsel in multiple municipal annexation cases, including successful trials of multiple annexations, successful defense of trial results in intermediate appellate courts, and successful handling of appeals before the state supreme court.
- Served as counsel in numerous eminent domain proceedings on behalf of the municipality acquiring property as part of multiple urban renewal projects.
- Served as counsel in an eminent domain trial in which the jury rendered a verdict for the entire amount sought by the landowner.

General Employment

- Counsel in numerous cases enforcing employee agreements, particularly covenants not to compete and other restrictive covenants, including handling of injunctive judicial proceedings, expedited discovery proceedings, and negotiated resolutions.

- Successfully defended a casino and won summary judgment motion on all claims filed by the plaintiff, a former blackjack dealer, who alleged discrimination based on disability and failure to accommodate such disability in violation of the Americans with Disabilities Act (ADA). The plaintiff further asserted claims for retaliation and interference with her rights guaranteed under the FMLA.
- Obtained defense verdict in a federal trial in which plaintiffs alleged race, gender, and age discrimination and retaliation.
- Lead Counsel in numerous race discrimination, harassment, and retaliation cases in which summary judgment was granted in the employer's favor.
- Obtained summary judgment for a state court judge accused of unlawful harassment by a subordinate employee.
- Served as counsel for state chapters of the national human resources trade organization as *amicus curiae* in matters regarding the adoption of an initial pleading standard by the Tennessee Supreme Court.
- Served as counsel in litigation focusing on delivery practices of a national pizza delivery chain. Successfully orchestrated denial of class certification, dismissal of the case, and payment by the plaintiffs' counsel of a portion of defense costs.
- Served as counsel in an employment discrimination case dismissed on preliminary motion based on the failure of the plaintiff to correctly differentiate between parent and subsidiary companies.
- Assisted as Tennessee counsel in the successful negotiation of national class action alleging an unfair pricing scheme relating to the sale of foreign automobiles in the United States.
- Successfully defended a hotel and casino in a multi-plaintiff national origin and gender discrimination trial after a companion case involving different plaintiffs and prior counsel resulted in a verdict in the companion plaintiffs' favor. Baker Donelson obtained a complete defense verdict.
- Successfully negotiated a favorable settlement in response to a collective action filed challenging a hospital client's decision not to compensate employees for time spent getting required COVID-19 tests.



Professional Honors & Activities

- AV® Preeminent™ Peer Review Rated by Martindale-Hubbell
- Listed in *The Best Lawyers in America*® for Employment Law – Management; Labor and Employment Litigation (2016 – 2024); Employment Law – Individuals (2018 – 2024); Municipal Litigation (2021 – 2024); Trade Secrets Law (2023, 2024)
- Named the Best Lawyers® 2022 and 2020 Employment Law – Individuals "Lawyer of the Year" in Memphis
- Selected to Mid-South Super Lawyers (2011 – 2023)
- Named as a "Rising Star" in the field of Labor and Employment by Mid-South Super Lawyers (2008 – 2010)
- Member – Friends for Life Corporation (Board of Directors 2019 – present; Executive Committee, 2019 – 2021)
- Member – Hope House Memphis (Board of Directors 2019 – present)
- Member – Memphis Area Legal Services (Board of Directors, 2009 – 2011; Chair, Inspired Staffing Committee, 2009; Vice President, 2011; President, 2012 – 2014)
- Member – Memphis Bar Association (Board of Directors, 2015 – 2018; Chair, 2004; Bench/Bar Committee, 2003; Bench/Bar CLE Committee)
- Member – Society for Human Resource Management, Tennessee State Council (Legal and Legislative Chair, 2009 – 2012)
- Member – Baddour Center Board of Directors (Executive Committee, 2011 – 2018)
- Fellow – Memphis and Tennessee Bar Foundations
- Member – Society for Human Resource Management, Memphis Chapter (Board of Directors, 2005 – 2012; Legislative and Governmental Affairs Chair, 2005 – 2012)

- Listed in the *Memphis Business Journal's* "Top 40 Under 40" (2007)
- Participant in Tennessee Bar Association's Leadership Law Program (2006)
- Member – Federal Bar Association (Board of Directors, National Delegate, 2009; Secretary, 2010)
- Member – American Bar Association
- Member – Tennessee Bar Association (Executive Council; Federal Practice Section)
- Former Member – Metropolitan Inter-Faith Association Host Committee
- Former Board Member – Boys and Girls Clubs of Greater Memphis
- Former Member – Leo Bearman American Inns of Court



Publications

- "Baker's Dozen – Tips and Insights on Partnering to Advance Women," *Women's Initiative Newsletter* (October 2021)
- "Religious Organizations *May* Have a Defense to LGBTQ Employment Discrimination Lawsuits Despite *Bostock* Ruling" (July 2020)
- "Historic Supreme Court Decision: 'An Employer Who Fires an Individual Merely for Being Gay or Transgender Defies the Law'" (June 2020)
- "Florida Employee Privacy Alert: No Expectation of Privacy for Contents of Employee's Flash Drive Attached to Work Computer," (July 2019); republished in the *Daily Business Review* (August 2019)



Speaking Engagements

- "Legal Perspective of the Tsunami of Change in Human Resources," Tennessee Society for Human Resource Management (SHRM) Conference (November 2020)
- Faculty – "Should Managers Be Armed in the Workplace?," Lorman webinar (May 2018)
- "How to Fix Potential FLSA Violations: Voluntary Audits and Back Pay Programs," Tennessee SHRM Presentation (August 2016)
- "Trial by Text, Incrimination by Instagram, Caught on Craigslist – The Changing Face of the Sexual Harassment Case," Tennessee SHRM Conference Trial by Text (October 2015)
- "Sweeping Overtime Rule Changes: Proposed Changes to the FLSA: How to Plan, Budget, & Prepare," HRO – Lipscomb Pitts FLSA (2015)
- "Keeping the Temperatures Down When Terminations Arise," West Tennessee SHRM (September 2013)
- "Social Media & the Courts," Memphis Bar Association 2013 Litigation Section Annual Seminar (2013)
- "Social Media & the Courts: What Are the Rules?," Baker Donelson Event (November 2012)
- "Avoiding and Handling Retaliation Claims," SHRM State Conference, Retaliation Presentation (August 2011)
- "Legal & Legislative Update," Middle Tennessee SHRM Presentation (June 2010)
- "SHRM State Council Legal & Legislative Update," SHRM State Council (May 2010)
- "Let's Keep Your Company Out of Court," SHRM Clarksville Presentation (May 2010)



Webinars

- An Employer Who Fires an Individual Merely for Being Gay or Transgender Defies the Law (August 2020)



Education

- University of Mississippi School of Law, J.D., 1996
- Millsaps College, B.S., 1993



Admissions

- Tennessee
- U.S. District Court, Western District of Tennessee
- U.S. District Court, Middle District of Tennessee
- U.S. District Court, Eastern District of Tennessee
- U.S. District Court, Eastern District of Arkansas
- U.S. District Court, Eastern District of Wisconsin
- U.S. Court of Appeals, Fifth, Sixth, and Eighth Circuits
- Admitted *pro hac vice* in Florida, New Jersey, New York, Pennsylvania, Mississippi, New Mexico, Texas, South Carolina, and other jurisdictions