



Jennifer K. McCarty

Shareholder

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Jenni McCarty advises employers in the health care, retail, manufacturing, technology, hospitality, and financial services sectors on a broad range of employment issues and defends them in complex disputes in state and federal courts.

Jenni McCarty is a shareholder in Baker Donelson's Charleston office and vice chair of the Firm's Labor & Employment Group. Clients rely on her for guidance and counsel that is informed by her more than 20 years of experience in handling a wide variety of matters concerning labor and employment laws.

Jenni remains at the forefront of emerging employment issues, including the impact of artificial intelligence (AI), evolving legislative and regulatory trends, and best practices for maintain compliant workplaces. She advises employers on best practices for hiring, background checks, employee classification, performance management, leave issues, internal investigations, wage and hour compliance, workforce reductions, and other workplace issues. She regularly assists clients with drafting employee handbooks, employment policies, separation agreements, and non-competition agreements, and conducts training sessions for their supervisors, management teams, and human resources departments.

Jenni has a proven track record representing employers in litigation involving claims of discrimination, harassment, and retaliation tied to whistleblowing, race, gender, sexual orientation, national origin, age, disability, and veteran status, as well as allegations of wrongful termination; breach of contract; wage and hour violations; and violations of non-compete, non-solicitation, and non-disclosure agreements. She has defended clients in collective and class action lawsuits involving alleged violations of the Fair Labor Standards Act (FLSA) and local wage and hour laws, and she frequently secures early resolution or favorable dispositive rulings in complex employment cases.



Representative Matters

- Obtained a favorable resolution for a physician staffing company in a federal case involving unfair competition claims against a hospital and physician group.
- Secured a favorable outcome for a hospital in a False Claims Act retaliation case brought by a former nuclear medicine technologist.
- Represented a fire and safety company in a trade secret misappropriation and breach of contract action; obtained a favorable pre-discovery resolution.
- Represented a cloud-based benefits software provider in a federal lawsuit against a former employee for alleged unfair competition and trade secret misappropriation; obtained a favorable pre-discovery resolution.
- Successfully defended a restaurant chain in a putative FLSA collective action; obtained a favorable settlement prior to conditional certification.
- Represented a national restaurant chain in two FLSA collective actions involving alleged unlawful tip pooling; secured favorable settlements following conditional certification and discovery.
- Obtained summary judgment for a trucking company in a Title VII race discrimination case.
- Obtained dismissal on the pleadings and costs for a client in a non-compete enforceability dispute.
- Won summary judgment for an international bank in a gender discrimination and harassment lawsuit.
- Favorably resolved a False Claims Act retaliation lawsuit brought by a former social worker against a faith-based foster care and adoption agency after summary judgment briefing.

- Defended an international bank in a high-profile multi-plaintiff Title VII, tort, and contract litigation; achieved a favorable result following dispositive motion practice.



Professional Honors & Activities

- Listed in *Chambers USA* as a leading Labor & Employment lawyer in South Carolina (2025)
- Named to South Carolina Lawyer's Weekly Power List for Employment Law (2023 – 2024)
- Recognized in *Columbia Business Monthly's* Legal Elite in Labor (2023)
- Selected to South Carolina Rising Stars (2012 – 2015)
- Listed as one of *Charleston Regional Business Journal's* "40 Under 40" (2013)
- South Carolina Bar, Employment and Labor Law Section, Chair (2022 – 2023), Chair-elect (2021 – 2022), Council (2017 – 2024)
- Charleston Stage Board Member (2024 – present)
- Charleston Promise Neighborhood Board Member (2025 – present)
- Leadership South Carolina, Class of 2022
- YWCA of Greater Charleston Board of Directors (2017 – 2024), Vice Chair (2021 – 2023), Secretary (2019 – 2021)



Publications

- "Leveling the Field: Supreme Court Nixes Extra Hurdles for Majority Plaintiffs in Title VII Cases" (June 2025)
- "How Remote Hiring Practices Could Lead to Infiltration of Your Organization: North Korea Operatives are Exploiting Remote Hiring and What Employers Can Do to Stop It" (December 2024)
- "A Tale of Two Leaders: What Leadership Has Taught Me," *Baker Women Newsletter* (Issue 2, 2024)
- "The EEOC Settles Its First Lawsuit Alleging AI-Based Discrimination in Employment" (August 2023)
- "NLRB Challenges Overly Broad Confidentiality and Non-Disparagement Provisions in Severance Agreements," republished March 17, 2023, in *HR Advisor* (February 2023)
- "Five Ways In-House Counsel Can Help Their Companies Navigate the 'Great Resignation,'" Association of Corporate Counsel (ACC) South Carolina Newsletter (December 2021)
- "Employment Tips and Traps as Companies Adjust to Their Next Normal," ACC South Carolina Newsletter (June 2021)
- "Can Execs Make COVID-19 Vaccines Mandatory? What Tech Companies Need to Know," *WRAL TechWire* (December 2020)
- "Call to Action on Third Anniversary of Emanuel AME Tragedy," *The Post and Courier* (June 2018)



Speaking Engagements

- "AI and Employment Law: What HR Professionals Need to Know," TN SHRM Conference (August 2024)
- Guest – "Artificial Intelligence in the U.S. Workplace," Employment Matters – Employment Law Alliance Podcast (September 2023)
- "Employment Law in the United States: A Year in Review," Employment Law Alliance (January 2021)
- "Leading Virtual Teams Effectively," South Carolina Biotechnology Innovation Organization (SCBIO) Life Sciences Boot Camp (September 2020)



Webinars

- HR Floodgate: Navigating the Tsunami of Recent Employment Law Changes (May 2024)
- Best Practices for AI Governance and Policies (April 2024)
- AI in Employment Law: What In-House Counsel Need to Know (August 2023)



Education

- Vanderbilt University School of Law, J.D., 2000
 - Managing Editor – *Vanderbilt Law Review*
- Southern Methodist University, B.A., 1997, magna cum laude



Admissions

- South Carolina, 2007
- Georgia, 2000