

PRACTICE AREAS

- Commercial Litigation & Alternative Dispute Resolution
- Employment & Labor
- Employment Litigation
- ERISA & Benefits
- Litigation
- Securities, Corporate Governance & Sarbanes-Oxley
- Unfair Trade & Antitrust

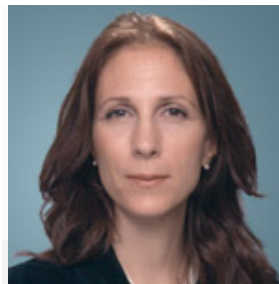
EDUCATION

- B.S., East Carolina University, 1989
- J.D., University of North Carolina at Chapel Hill, 1992, with high honors; Order of the Coif; North Carolina Law Review Staff, 1990; Senior Staff, 1991

BAR & COURT ADMISSIONS

- North Carolina, 1992
- United States District Court Middle District of North Carolina, 1993
- United States District Court Eastern District of North Carolina, 1993
- United States District Court Western District of North Carolina, 1992

KARIN M. MCGINNIS



MEMBER

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CHARLOTTE

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Karin McGinnis concentrates her practice on employment law, handling a broad range of workplace-related matters. Ms. McGinnis has successfully litigated a wide variety of employment issues on behalf of employers in federal and state court as well as in arbitration. Another important aspect of Ms. McGinnis' practice is identifying and avoiding problems before they arise by advising clients on preventative strategies, audits, investigations and training.

Ms. McGinnis is experienced in virtually all areas of labor and employment law and her significant experience covers numerous issues including:

- Drug and alcohol testing
- FLSA collective actions
- Overseas employment, including ex-patriate agreements
- Emotional distress
- Layoffs
- WARN Act issues
- Restrictive covenants and trade secrets
- Wrongful discipline and termination
- Harassment and discrimination claims
- FMLA, ADA, ADEA, FLSA, REDA and ERISA litigation
- Retaliation issues
- Sarbanes-Oxley whistleblower compliance

CONTINUED

- United States Court of Appeals for the Fourth Circuit, 1994

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- NASD arbitrations
- Handbook reviews
- Employment contracts
- EEOC and Department of Labor investigations
- Employee monitoring and privacy issues
- Department of Labor investigations and wage issues under the Immigration and Nationality Act
- Misclassification of employees as independent contractors

Ms. McGinnis has presented at numerous seminars on employment issues including drug testing, FMLA/ADA/workers compensation compliance, sexual harassment, proper hiring and firing procedures, technology and privacy, and wage and hour law.

She also handles general commercial litigation and general advice on prelitigation issues.

Representative Cases:

- *Gertrag v. Brewington*, 5:09CV31- V (United States District Court for the Western District of North Carolina, 2011). Won motion to dismiss employee's claim of disability discrimination under the Americans with Disabilities Act.
- *TLV Corporation v. Stephen L. Villemez*, 4:08-CV-02700 (United States District Court for the Southern District of Texas, 2008). Obtained preliminary and permanent injunctive relief for breach of contract and violation of the federal Computer Fraud and Abuse Act and Texas state law requiring the return and protection of TLV's confidential and proprietary information misappropriated by an employee.
- *CNC/Access, Inc. v. Universal Mental Health Systems et al.*, 2006 NCBC 20 (November 15, 2006). Obtained partial summary judgment for defendant clients in corporate raiding/misappropriation of trade secrets case while defeating plaintiff's motion for summary judgment on clients' claims of defamation, tortious interference and unfair trade practice.

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KARIN M. MCGINNIS

- *Price v. US LEC*, 3:01CV132-H (Western District of North Carolina, June 17, 2002). Obtained summary judgment for employer and individual defendants in age discrimination and harassment action.
- *Williams v. PPG Industries* (Middle District of North Carolina, July 16, 2002), aff'd, (Fourth Circuit of Appeals November 7, 2002). Obtained summary judgment on disparate impact, race and retaliation claims. Won Fourth Circuit Appeal.
- *Sancap Abrasives Corp v. Swiss Industrial Abrasives Group*, 68 F. Supp.2d 853 (N. D. Ohio 1999), aff'd, 2001 U.S. App LEXIS 18937 (Sixth Circuit 2001). Obtained summary judgment in case involving Sherman Act antitrust claims and obtained affirmance on appeal.
- *Smith v. Hunt Manufacturing Co.*, 107 F.3d 867 (Fourth Circuit 1997). Successfully argued for summary judgment on race discrimination and retaliation claims before the federal district and appellate courts.

OF NOTE

- Included in *Business North Carolina's* Legal Elite list, 2005, 2008-2012
- Co-author, "Feds ready to crack down on employee classification" for the Charlotte Business Journal (April 16, 2010)
- Presented "Top 10 HR Priorities for 2010" at The Employer's Association (February 19, 2010)
- Author, "Employee Leave: The Essentials Behind What You Have to Do and What You Should Do to Retain Top Management," chapter in ExecBlueprints series
- Author, "Helping Businesses Stay Compliant," chapter in *Inside the Minds: Labor and Employment Litigation Strategies*
- Board of Directors member and personnel committee chair, Second Harvest Food Bank of the Metrolinas
- Pro bono counsel assisting nonprofit organization with employment law issues
- Past Chair, Young Lawyers Division of the North Carolina Bar Association
- Served as guardian ad litem for the Children's Law Center

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KARIN M. MCGINNIS

- Served as pro bono domestic violence counsel
- Former member, Film Advisory Board of the Carolinas Partnership
- Former Board of Directors member, Volunteer Lawyers for the Arts
- Graduate, Charlotte Chamber of Commerce Leadership School

PROFESSIONAL AFFILIATIONS

- American Bar Association: Labor and Employment, and Litigation Sections
- North Carolina Bar Association: Labor and Employment, and Litigation Sections
- Young Lawyers Division, Secretary, Past Division Director for Service to the Bar, Long Range Planning Committee, Past Division Director for Service to the Public, Chair-Elect, 2000-2001; Chair 2001-2002
- North Carolina Bar Association: Board of Governors, 2001-2002; Nominations Committee 2002-2003
- North Carolina Bar Association: Lawyer Effectiveness and Quality of Life Committee 2006-2007, 2008-2009, 2009-2010
- North Carolina Bar Association: President's 4-All Task Force, 2007-2008