

## **KARIN M. MCGINNIS**

*Co-head of Privacy & Data Security, Employment & Labor, Litigation*

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With two decades of experience as a practicing attorney, Karin McGinnis, CIPP/US, is known as a true business partner when litigating and providing counsel to her clients.

Well versed in employment, privacy, and general commercial litigation, Karin helps clients navigate a range of complex issues. In addition to employment and privacy matters, Karin has successfully litigated a wide range of matters, including lawsuits involving trade secret misappropriation, defamation, violations of noncompetition agreements, antitrust matters, breach of commercial contracts, fraudulent conveyances, unfair trade practices, and shareholder and corporate disputes. She also co-head's the firm's Privacy and Data Security group.

Karin regularly counsels her clients on how to implement best practices to avoid legal pitfalls but is also their first line of defense when matters arise. She understands that ongoing technological advancement means that the law, especially privacy and employment laws, are constantly evolving and stays apprised of federal and state laws to ensure her clients are in compliance.

### **Employment**

Karin provides a single source of comprehensive employment law experience, including misappropriation of trade secrets, employee raiding and breach of noncompetition agreements, wage-and-hour litigation and advice, discrimination, harassment and leave issues, mass layoffs and employee severance, and international employment advice. Her streamlined approach ensures that her clients' unique situations are appropriately vetted, strategized, and handled.

In the age of increasing commoditization of legal services, from off-the-shelf employee handbooks to one-size-fits-all non-competes, Karin knows that no two clients' needs are alike, and she works to achieve results that

### **Capabilities**

- Business Court Litigation
- Civil Litigation
- Employee Leave and Accommodations
- Employment & Labor
- Employment Agreements
- Financial Regulatory Advice & Response
- Litigation, Regulatory & White Collar
- Privacy & Data Security
- Technology
- Terminations & Reductions in Force
- Transportation, Infrastructure & Logistics
- Wage & Hour Compliance
- Workplace Discrimination & Harassment

### **Education**

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

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best fit each client's culture, resources, and goals.

Her wide range of experience enables her to spot potential issues for her clients before they are raised by employees, the government, or opposing counsel. Karin's clients find that she has a strategic and practical perspective and the ability to advise on preventive measures, provide corrective solutions, and fully litigate her clients' issues. This bespoke, forward-thinking approach saves employers time, money, and grief in the long run.

Karin has had significant success in achieving favorable dispute resolutions and in securing dismissals and summary judgment for her clients in litigation, avoiding the expense and uncertainty of trial. She has argued and won numerous motions for temporary restraining orders and preliminary injunctions, protecting client information and goodwill from competitors.

### Experience includes:

#### Restrictive Covenants

- Non-competes
- Customer and employee non-solicitation
- Trade secrets
- Nondisclosure agreements
- Unfair trade practices
- Broker/dealer arbitrations

#### Wage & Hour

- Department of Labor (DOL) investigations
- Immigration Nationality Act prevailing wage claims
- Fair Labor Standards Act (FLSA) collective actions
- Misclassification of employees as exempt
- Misclassification of employees as independent contractors
- Wage plans
- Wage-and-hour audits
- State wage payment laws

#### Privacy

B.S., East Carolina University,  
1989

### Admissions

United States Court of Appeals  
for the Fourth Circuit, 1994

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

North Carolina, 1992

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- Background checks
- Bring your own device (BYOD) programs
- Employee monitoring and privacy issues
- Drug and alcohol testing, including DOT testing
- The Electronic Communications Privacy Act (ECPA), The Computer Fraud and Abuse Act (CFAA), and similar state laws

### Discrimination, Harassment & Retaliation

- Title VII of the Civil Rights Act
- Age Discrimination in Employment Act (ADEA)
- Americans with Disabilities Act as Amended (ADAAA) (Titles I and III)
- Genetic Information Nondiscrimination Act (GINA)
- Pregnancy Discrimination Act
- Rehabilitation Act
- Equal Employment Opportunity Commission (EEOC) claims
- Similar state laws such as the North Carolina Retaliatory Employment Discrimination Act (REDA)
- Emotional distress
- Sexual harassment investigations and claims
- Affirmative action

### Employee Leave

- Family and Medical Leave Act (FMLA)
- Americans with Disabilities Act as Amended (ADAAA)
- Vacation and other leave policies

### Hiring, Layoffs & Terminations

- Wrongful discipline and termination
- Worker Adjustment and Retraining Notification (WARN) Act
- Employment agreements, restrictive covenants, and intellectual property assignments
- Expatriate arrangements
- Severance agreements and reductions in force

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## Privacy & Data Security

Karin has assisted clients with privacy and data security issues internationally, including compliance with GDPR, an international ethics hotline, international data transfers, and data breaches affecting consumers overseas. She also has experience drafting record retention, Bring Your Own Device (BYOD), and employee mobile device policies and programs in diverse industries, as well as with PCI-DSS issues.

Karin's privacy and data security experience includes counseling and litigation regarding misappropriation of trade secrets, violation of the Computer Fraud and Abuse Act and state computer trespass laws, and common law privacy torts. Her litigation experience also includes HIPAA privacy issues, discovery challenges posed by the Stored Communications Act, privacy of consumer financial information under Gramm-Leach-Bliley, and confidentiality rights concerning mental health consumers. She has successfully negotiated and advised clients in responding to TCPA claims and litigation.

Karin also handles data breach matters in the United States and internationally for her clients and has worked with the U.S. Secret Service and the FBI in investigating potential cyber crime and data breaches. She has assisted clients with drafting and creating data breach procedures, FACTA Red Flag policies and procedures, online privacy policies, CCPA compliance, GLBA compliance, data security plans, data security provisions in vendor agreements, and employee data security training.

In addition, Karin frequently advises clients and drafts policies and agreements in connection with employee monitoring, social media, the Electronic Communications Privacy Act, limitations imposed by the National Labor Relations Act on employee confidentiality and social media policies and agreements, drug testing, the Genetic Information Nondiscrimination Act (GINA), the Americans with Disabilities Act Amendments Act (ADAAA), the Fair Credit Reporting Act, the CAN-SPAM Act, and protection of private personnel information under state law.

In the age of increasing commoditization of legal services, from off-the-shelf policies to one-size-fits-all agreements, Karin knows that no two clients' needs are alike, and she works to achieve results that best fit each client's culture, resources, and goals.

## Notable

- *Chambers USA* - North Carolina, Labor & Employment, 2014-2022
- *Best Lawyers in America*, ERISA, 2016-2018; Employment Law - Management, 2019-2023; Litigation - Labor and Employment, 2022-2023
- *North Carolina Super Lawyers*, "Top 50" list of Women, 2020-2022
- *Benchmark Litigation*, Labor & Employment Star-South, 2019; Labor & Employment Star, 2020-2023
- *Business North Carolina* Legal Elite, 2005, 2008-2014, 2017-2022
- *North Carolina Super Lawyers*, Employment & Labor, 2015-2022
- North Carolina Pro Bono Honor Society, 2020
- *Charlotte Business Journal*, Women in Business Award Winner, 2018

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- ATHENA Leadership Awards, Corporate Nominee, 2014
- Leader in the Law, *North Carolina Lawyers Weekly*, 2012
- Business Leader Media Award Women Extraordinaire, 2010
- Martindale Hubble Rated AV Preeminent
- Certified Information Privacy Professional/US (CIPP/US), International Association of Privacy Professionals
- Certified Privacy and Data Security Specialist, North Carolina State Bar
- Member, North Carolina State Bar Specialization Committee for Privacy and Data Security, 2018-2019
- Chair, Board of Directors and Personnel Committee Chair, Second Harvest Food Bank of the Metrolinas
- Pro bono counsel assisting nonprofit organizations 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
- Serves 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
- Named to the Access to Justice Pro Bono Partners 2013 Pro Bono Honor Roll by Legal Services of Southern Piedmont, Legal Aid of North Carolina-Charlotte, and Council for Children's Rights
- Lead counsel for the plaintiff, "Mock Trial: Hostile Work Environment" presentation for Society of Human Resource Management (Charlotte, NC chapter) (October 11, 2010)

### **Affiliations**

- International Association of Privacy Professionals
- American Bar Association: Labor and Employment and Litigation Sections; Women Advocates Committee
- 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 2006-2019
- North Carolina Bar Association: President's 4-All Task Force, 2007-2008
- North Carolina Bar Association Pro Bono Task Force