



November 18, 2010

The Honorable Marie L. Schapiro
Chairperson
United States Securities and Exchange Commission
100 F Street, NE
Washington, DC 20549

Dear Madame Chairperson:

This correspondence is written on behalf of the law firms of Joseph, Greenwald and Laake, P.A. ("JGL") and Stinson Morrison Hecker LLP ("Stinson") in response to your announcement of July 27, 2010, and in connection with a recent telephone discussion I had with Ms. Harmon of your office. It is directed to you in reply to your July announcement that the agency is making it easier for the public to provide comment as the agency sets out to make rules pursuant to Dodd Frank Wall Street Reform and Consumer Protection Acts, specifically under Section 342.

A small, but profoundly significant, part of the broad reform contained in the new legislation, Dodd Frank Wall Street Reform and Consumer Protection Act (H.R. 4173/Public Law 111-203), codifies a series of financial industry reforms. Section 342 is the provision that mandates that each federal agency establish an Office of Minority and Women Inclusion (OMWI) to "be responsible for all agency matters relating to diversity, management, employment and business activities." Section 342 (contained within Subtitle D) of the Act requires each OMWI to monitor the diversity efforts of the agency, its related entities, and agency contractors.

This mandate is for a higher level of Civil Rights compliance and review than has been required in the past. This purpose would be well served by providing for the highest level of inclusion and diversity expertise. JGL and Stinson represent such a level of expertise.

I am writing to you to request an opportunity for representatives of our firms to meet with the appropriate persons of your agency who are responsible for establishing its OMWI Programs and other compliance standards that will grow therefrom. The abilities we represent are unique and will best serve the mission of this law. The following is a summary and a brief introduction of each of our firms and a description of our expertise and experience in the area of Diversity and Inclusion services. Also provided are brief biographies of a select number of the attorneys in our firms with relevant expertise.

Inclusion and Diversity Programs.

The Inclusion and Diversity Program (“IDP”) offered by our two law firms is a unique proprietary approach to providing Civil Rights Compliance and applies on point to the goals and objectives of Section 432 of the Dodd Frank Act. The IDP is a comprehensive, prospective approach based on more than 25 years of high-level experience with federal agencies and corporations in the area of Civil Rights compliance. I am the author of this practice concept, and I now head JGL’s Inclusion and Diversity Strategies Group. I have extensive expertise in representing businesses of all sizes in areas of employment, labor, and vendor qualification matters. Our team approach couples me and the other JGL lawyers with the deep expertise of Stinson’s employment and labor law lawyers. I have served as plaintiffs’ counsel in the Eastman-Kodak case, one of the largest employment discrimination cases in the country today. The IDP concept was developed by me while representing the plaintiffs in that case. Simply put, had Eastman-Kodak (and most other defendants in my experience) undertaken to do some of the programs we have outlined, there would have been no liability.

The Inclusion & Diversity Challenge.

The requirements of Section 342 are a natural evolution of Title VI and Title VII of the 1964 Civil Rights Act. Those Titles mandate nondiscrimination in programs receiving federal financial assistance and nondiscrimination in the workplace as well. As a result of the implementation of the 1964 Civil Rights Act, today’s workforce is older and has greater ethnicity and more female workers than ever before in recorded time. The goal of Section 342 is to obtain greater diversity within the financial services industries so those industries better reflect the demographics of this country. The consequences of not implementing pro-active strategies are substantial. Each year there are numerous allegations of race and gender discrimination in the financial service industries. Some of the same financial service companies that are now doing business with the Federal Government are some of the worse offenders. A simple cursory view of some of the media reports concerning the same has revealed a persistent practice of exclusion; for example:

NEW YORK, NY — May 4, 2007 — The Wall Street giant, Morgan Stanley, has set up a \$46 million fund to settle a sex discrimination lawsuit (*Augst-Johnson v. Morgan Stanley & Co. Inc.*, 06-CV-1142, U.S. District Court, District of Columbia). Eight women, representing a class of about 2,700 female financial advisors and trainees, charged that the company paid women less than men and assigned accounts in a biased way (Bloomberg News, April 30, 2007).

Institutional Commonalities Resulting in Exclusion of Minorities and Women.

Our IDP analysis has identified (and deals with) the following common errors which result in the exclusion of minorities and women:

1. Failure to establish policies that promote and encourage positive diversity training and hiring policies as a part of standard operating procedures.
2. Failure to take pro-active steps to cure a problem for fear of discoverable self-incrimination.
3. Failure to take into consideration old practices and policies that pre-date current state and federal Civil Rights Requirements.
4. Failure to establish objective personnel policies across all sectors of the corporation's employment arena, including notification of vacancies, application procedures, personnel awards reviews, and compensation procedures.
5. Failure to establish employment environments that are free of hostility based on gender, race, color, and other prohibited and suspect criteria.
6. Failure to stay current with all Civil Rights Statutes and obligations.
7. Failure to establish objective business relationships with vendors with Civil Rights considerations as a material prerequisite of the business relationship.
8. Failure to provide adequate governance procedures for employees to bring their concerns before objective employer representatives well trained in Civil Rights compliance.
9. Failure to provide Civil Rights sensitivity training to personnel at all levels.
10. Failure to establish objective goals and strategies to address past vestiges of employment discrimination and others.

Our IDP for your agency would target all business vendors who are interested in protecting their relationships with the SEC, moving them to protect their status with your agency, their own success, and their public image in ways that encourage and capitalize on greater inclusion and diversity. Our IDP for your agency would focus on areas that seek to prevent costly non-compliance discrimination issues. Our IDP for your agency would recognize that successful marketing to all communities, including special populations such as minority and women professionals must mirror honest and successful inclusion and diversity programs. Our IDP for your agency would create such programs for you.

We are capable and competent to provide services that assure the goals by Section 342. We would like the opportunity to meet with you and/or those of your senior staff who will be charged with implementing Section 342 and to provide a more detailed discussion of our program and how it can assist your agency.

JOSEPH, GREENWALD & LAAKE, P.A. 

ATTORNEYS AT LAW

The Honorable Marie L. Schapiro

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I have attached additional information on the principals involved in providing these services.

Sincerely,

JOSEPH, GREENWALD & LAAKE, P.A.

By: Clayborne E. Chavers, Sr., Esq.



JOSEPH, GREENWALD & LAAKE, P.A.

Since its founding more than 40 years ago, Joseph, Greenwald & Laake has grown into a 33-lawyer firm serving the needs of national, state, and local businesses and individual clients throughout Maryland and the District of Columbia and in federal courts across the nation. JGL has offices in Greenbelt (adjacent to the federal courthouse), in Rockville, and in Prince Frederick, providing ready access to the federal and state trial and appellate courts in Maryland and the District of Columbia.

JGL's People

The following attorneys would be the main contacts for UnitedHealthcare matters from JGL:

Clayborne E. Chavers – Employment
Jay P. Holland – Employment
Steven M. Pavsner – Litigation
Barbara A. Jorgenson – Employment

Clayborne E. Chavers, Sr. will discuss the advantages of a pro-active, prospective corporate civil rights diversity program. Clay has just recently joined Joseph, Greenwald & Laake, P.A., as head of its Inclusion & Diversity Strategies Group bringing with him more than 25 years of experience as a pioneer in the field of Business, Civil Rights, Government Contracts, and Arts and Entertainment Law. Clay has extensive insight and interest in the economic advantages cultural diversity generates. He has had a long career related to civil rights issues, most recently representing the Employees Committed for Justice, the original plaintiff in the landmark racial discrimination case against Eastman Kodak, which settled in July 2009 for \$21.4 million. Clay is now focusing his practice on assisting corporate clients avoid costly defense litigation. Clay has been featured in many publications for his legal work including *Washington Lawyer*, *Legal Times*, *Washington Post*, *Philadelphia Inquirer*, and others.

Comprehensive biographies for each attorney are included in the enclosed materials.



STINSON MORRISON HECKER LLP

Stinson is a Kansas City-based law firm with more than 330 attorneys and more than 400 professional staff. The firm is ranked among the largest 250 law firms in the U.S., according to the *National Law Journal*. Stinson represents clients in transactional and litigation matters, through 45 practice areas.

Many of Stinson's clients are growing businesses and, like UnitedHealthcare, market leaders. The firm's attorneys have experience in several defined industries, including a range of manufacturing and industrial sectors. In short, Stinson has the size, resources and practice depth of a larger firm, but the client focus characteristic of a smaller firm.

Stinson's geographic reach also benefits our clients. The firm has eight offices across the U.S., from Washington D.C. to Phoenix, Ariz., with proven capacity to represent clients in all parts of the country. Stinson's current office locations include:

- Kansas City, Mo.
- Overland Park, Kan.
- Jefferson City, Mo.
- St. Louis, Mo.
- Omaha, Neb.
- Phoenix, Ariz.
- Washington, D.C.
- Wichita, Kan.

Stinson's People

The following attorneys would be the main contacts for the CIDP matter for UnitedHealthcare :

Pat Konopka
Stephanie Scheck
Russell Frisby

Comprehensive biographies for each attorney are included in the enclosed materials.

At A Glance

Joseph, Greenwald & Laake, P.A.

About Us. Since its founding more than 40 years ago, Joseph, Greenwald & Laake has grown into a 33-lawyer firm serving the needs of national, state, and local businesses and individual clients throughout Maryland and the District of Columbia and in federal courts across the nation. JGL has offices in Greenbelt (adjacent to the federal courthouse), in Rockville, and in Prince Frederick, providing ready access to the federal and state trial and appellate courts in Maryland and the District of Columbia.

Practice Areas. Joseph, Greenwald & Laake offers a wide range of practice areas to our clients. In addition to Employment Law, JGL provides years of experience in Family Law, Corporate, Business and Tax, Commercial and Civil Litigation, Estate Planning, Bankruptcy, Medical Negligence, Personal Injury, and Workers' Compensation.

Our Clients. As one of the largest and most trusted law firms in the D.C. and suburban Maryland area, Joseph, Greenwald & Laake, P.A., emphasizes effective legal representation and outstanding service to clients. We serve a wide range individuals, small businesses and multi-million-dollar corporations.

At Joseph, Greenwald & Laake, we are a large enough group of attorneys to be able to offer *each* client a lawyer whose practice focuses on the issue in question. Each client's legal matters are in the hands of an experienced attorney. At the same time, our clients appreciate the personalized service that we offer. At JGL, clients are personally valued and known by name. Our commitment to our communities is real, and personal.

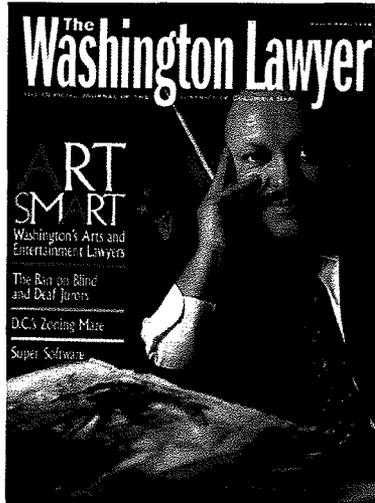
Office Locations

Greenbelt

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F: (301) 220.1214

Rockville

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Rockville, MD 20850
P: (240) 399-7900
F: (240) 399-7901



Clayborne Edwin Chavers, Sr. Esq.

"Advocate for matters and interests that promote Economic Development, Civil Rights and the Arts."

Columbia, MD

O: 240.553-1223

M: 301.704.1776

E-Mail: cchavers@jgllaw.com

Website: www.jgllaw.com

Nationally renowned Attorney bringing more than 25 years of legal representation, deal making and negotiation experience. Pioneer in the field of Government Contracts, Business, Civil Rights, Arts and Entertainment Law with extensive insight and interest in the economic advantages and cultural diversity industry generates. Expertly represented national and international clients, successfully closing complex business deals, managing litigation and negotiations at the administrative, trial, and appellate levels in state courts and federal courts.

Featured in *The Washington Lawyer, The Legal Times, The Washington Post, The Philadelphia Inquirer* and others

Proven expertise representing high-profile transactions in matters of Real Estate Development and Construction, AIA Arbitration, Transactional Business Legal Affairs: Arts and Entertainment Law, General Corporate Matters, M&A, IP Protection, Employment, Civil Rights in Employment, Deal Making, Litigation Management and more.

LEGAL EXPERTISE

Commercial & Transactional Law
Corporate Diversity
Administrative Law & Government Contracts
Arts & Entertainment Law
Civil Litigation
Civil Rights
Corporate Law
Labor & Employment Law
Intellectual Property Rights

EDUCATION

Howard University School of Law
J.D., 1975
Washington, DC

Howard University, B.A., 1972
Cum Laude
Washington, DC

Highlights of Achievements – Art & Entertainment Law

- First attorney in Washington, D.C. to specialize in the Arts and Entertainment industry. Highly influential in negotiating new ruling with the D.C. Bar Association to allow contingency fee practice for artists and entertainers not involving litigation.

- Founder and first Chairman of the Entertainment, Sports, and Art law section of the National Bar Association. It has grown to be the largest section of the National Bar Association in less than 25 years.
- One of the Founding members and first general counsel of the Association of American Cultures a trade association of arts administrators emphasizing the diversity of cultures encompassing American life.
- Served as Civil Rights Director of the National Endowment for the Arts and developed national civil rights compliance programs.
- Awarded by the Overseas Education Association and International YMCA for excellence in teaching art in Asmara Eritrea, Ethiopia
- Developed ground-breaking curriculum in Art, Entertainment, & Sports Law and taught the first course for the Washington Bar Association's Continuing Legal Education program through the Georgetown University Law Center.

Public Affairs Experience

- Established and was the first chairperson of the Howard County Maryland Equal Business Opportunity Commission.
- Served on the transition committees for two Howard County Executives, i.e. Liz BoBo and Chuck Ecker, and worked closely with Hugh Nichols on matters of economic development and county finance.
- One of the original founders and charter members of the Howard County Maryland, Warring Mitchell Law Society
- Was appointed and served several terms on the Howard County Maryland Human Rights Commission.

ART, ENTERTAINMENT, & SPORTS LAW ILLUSTRATIVE EXPERIENCE

- Executive Vice President and General Council for Hemisphere 2 Entertainment LLC. - A media production company with international ties documenting educational and family-based entertainment.
- Retained by numerous local, national, and international radio, television, music, Broadway, film industry, and sports personalities to negotiate contracts and other professional interests on their behalf.

- Elected for several terms to the DC Bar Association's Entertainment and the Arts Steering Committee
- Extensive experience and expertise in negotiating and drafting contracts for:
 - Television mini-series, motion pictures, theatre productions, recording contracts, publishing agreements, television rights deals, new show productions, literary publications, merchandising

CORPORATE LAW ILLUSTRATIVE EXPERIENCE

- Comprehensive representation in the formation of limited liability corporations, general partnerships, corporations, and other business entities, advising clients on securities issues, capital acquisitions, and general corporate counsel services.
- Taught administration and law for "not for profit organizations" at Sagamon State University Graduate School.
- Conducted national civil rights compliance programs and diversity training for the National Endowment for the Arts pursuant to Title VI of the 1964 Civil Rights Act, et al.
- Developed Civil Rights compliance and diversity programs for clients in addition to providing extensive legal guidance.
- Represent corporate counsel in aspects of corporate practice including:
 - Contract negotiations, commercial real estate development, litigation, alternative dispute resolution, mergers and acquisitions economic development, corporate governance, employee training and management relations.

Legal Profile & Experience

Joseph, Greenwald & Laake, P.A.
Greenbelt, MD
March 2010

Mr. Chavers has recently joined JGL as the head of its Inclusion & Diversity Strategies Group. Mr. Chavers has had a long career related to civil rights issues, most recently representing the Employees Committed for Justice, the original plaintiff in the landmark racial discrimination case against Eastman Kodak.

As a result, his practice now provides major employer clients a proactive representation to avoid the pitfalls of non-compliance. He has developed a practice model that insures corporate diversity and inclusion. Providing clients compliance assurance and defense against such claims while boosting their public image as good corporate citizens.

President, the Chavers Law Firm, P.C., Washington, D.C., 1995 to February 2010

Senior Attorney for a small A.V. Rated law firm in Washington, D.C. The Chavers Law Firm, P.C. represents a broad spectrum of clients, including individuals, large corporate entities, organizations, nonprofit associations and foreign governments. The firm possesses years of cumulative experience involving high-profile transactions in business, government and litigation at the administrative, trial and appellate levels, in both state and federal courts. The firm acts, in many instances, as general counsel to various corporations, especially in the areas of civil rights compliance, employment issues, intellectual property and commercial transactions.

- Council to the Ethiopian Embassy in Washington, D.C. - facilitating negotiations and international matters between U.S. and Ethiopian government agencies with potential economical impact throughout the East African Region and the U.S.A.
- Co-lead council against Kodak - Title VII civil rights class action lawsuit, citing discrimination and mistreatment of African-American employees. Acquired five additional civil rights cases as a result of this highly publicized case.
- **ADJUNCT LAW PROFESSOR, UNIVERSITY OF THE DISTRICT OF COLUMBIA, 2005**

David A. Clark School of Law

- **PARTNER, FREER & Mc GARRY, CHT. WASHINGTON, D.C. 1989 TO 1995**
- **PARTNER, HART, CARROLL & CHAVERS WASHINGTON, D.C., 1981 TO 1989**

As a partner in the law firms, represented individual clients and corporations in national and international legal matters. Successfully argued cases and resolved conflict before US government agencies and in the private sector. Specialized in Business Transaction, Arts & Entertainment, Corporate Law, Civil Rights, Labor and Employment Law, Intellectual Property, Internet Law, Education, and Transactional Law.

- **Director of Civil Rights Compliance, The National Endowment for the Arts Washington, D.C.**

AFFILIATIONS

The National Bar Association	The American Bar Association
The District of Columbia Bar Association	The Pennsylvania Bar Association
The Washington Area Lawyers for the Arts	The Black Entertainment and Sports Lawyers Association

HIGHLIGHTS OF UNIVERSITY LECTURE & PUBLIC SPEAKING ENGAGEMENTS

Keynote Speaker before the National Association of Broadcasters Women in Film and Video, and the Congressional Black Caucus of the United States Congress.

The Georgetown University Law Center

The American University

The District of Columbia Bar Association
The Washington Lawyers for The Arts
The National Bar Association
The National Association for Broadcasters,
Public Broadcasting Service
Corporation for Public Broadcasting
The College of William and Mary Law School
Temple University School of Law

Sagamon State University Graduate School
Howard University School of Law
The Washington Area Women in
Film and Video
Maryland Bankers' Association
and others



Jay P. Holland, Esq.

Mr. Holland, who is entering his 24th year with JGL, is the founder of JGL's employment law group. Mr. Holland divides his practice between representing individuals and national, state, and local businesses in federal discrimination and state law employment cases. He has extensive experience with counseling national and local business clients with employee problems and in developing employee manuals and employment policies. He also represents employers and executive level employees in negotiating and drafting employment agreements and severance packages. Mr. Holland is on the Planning Committee of Maryland Employment Lawyers' Association and co-chairs the Employment Law Section of the Prince George's County Bar Association; he also serves on the firm's Executive Committee.



Steven M. Pavsner, Esq.

Mr. Pavsner is a senior member of JGL's litigation group, specializing in complex civil litigation including class action litigation, business disputes, product liability, medical malpractice, and other professional malpractice in Maryland and the District of Columbia trial courts and in federal courts both in and outside Maryland. He is an adjunct professor at The Washington College of Law of American University. Mr. Pavsner has been rated AV Preeminent by Martindale-Hubbell's peer rankings and has been named as a Super Lawyer in both Maryland and the District of Columbia annually since 2007.



Barbara A. Jorgenson, Esq.

Ms. Jorgenson divides her time between JGL's employment law and family law groups. In her work within the employment law group, Ms. Jorgenson has negotiated and reviewed executive level employment agreements, counseled employers on a wide variety of employment issues, and represented plaintiffs in discrimination cases. Ms. Jorgenson has experience in mediation and alternative dispute resolution; she is trained in collaborative law. Ms. Jorgenson has been named as a Super Lawyer in both Maryland and the District of Columbia annually since 2007 and was listed in the Top Lawyers by Washingtonian Magazine in 2009. Ms. Jorgenson has counseled 501(c)(3) clients throughout her 25-year career at JGL. She is a trustee of the Marjorie Cook Foundation, devoted to the furtherance of women's rights, and is a Fellow of the Maryland State Bar Foundation. Her *pro bono* service has been recognized by a national and two state awards.

STINSON MORRISON HECKER LLP

FACT SHEET

VISION: Stinson will be a first choice for clients seeking sophisticated legal services that are efficiently and cost-effectively delivered through our professional excellence, the quality and diversity of our people, and our geographic reach.

DATE ESTABLISHED: Stinson Morrison Hecker LLP was formed in May 2002 as a result of the combination of two large, established, Kansas City-based law firms – Morrison & Hecker LLP (Est. 1878) and Stinson, Mag & Fizzell, P.C. (Est. 1909).

NUMBER OF ATTORNEYS: More than 300

TOTAL NUMBER OF EMPLOYEES: More than 675

WEB SITE: www.stinson.com

PRACTICES AND INDUSTRIES: We provide a complete range of legal services to clients of every size and description. We can address virtually every legal challenge and opportunity our clients face. Additionally, we follow a team approach by integrating with and drawing upon the experience of attorneys in other practice groups to provide comprehensive representation to our clients.

PRACTICES

- Banking and Financial Services
- Bankruptcy and Creditor's Rights
- Business Litigation
- Corporate Finance
- Employment & Labor Law
- Energy & Environment
- General Business
- Government Solutions
- Immigration
- Insurance
- International
- Intellectual Property
- Products Liability
- Public Law
- Real Estate
- Tax

INDUSTRIES

- Agribusiness
- Animal Health and Nutrition
- Aviation and Aerospace
- Banking and Financial Services
- Biosciences/Commercialization
- Construction
- Energy and Environment
- Health Care
- Media and Advertising
- Pharmaceuticals
- Real Estate
- Sports
- Telecom
- Private Equity & Venture Capital

REPRESENTATIVE CLIENTS:

- American Optometric Association
- Entertainment Properties Trust
- H&R Block
- Inergy
- M&I Bank
- Peabody Energy
- PNC/Midland Loan Services
- Sachs Properties
- State of Arizona
- Verizon

RECOGNITION AND AWARDS:

- **Legal Employer Diversity Recognition Award** – From the Black Law Students Association at Washington University (St. Louis).
- **Human Rights Campaign – Kansas City** – Recognized for supporting workplace equality for gay, lesbian, bisexual and transgender employees.
- **Chambers USA: America's Leading Lawyers for Business** – The annual publication ranked six of the firm's practice areas No. 1.

MANAGEMENT:

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Managing Partner

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Allison M. Murdock

Deputy Managing Partner

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Washington, D.C. 20036

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F: 202.785.9163

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168 N. Meramec Ave., Suite 400

St. Louis, MO 63105

P: 314.863.0800

F: 314.863.9388

Wichita

1625 N. Waterfront Pkwy, Suite 300

Wichita, KS 67206

P: 316.265.8800

F: 316.265.1349

Phoenix

1850 N. Central Ave., Suite 2100

Phoenix, AZ 85004

P: 602.279.1600

F: 602.240.6925

Jefferson City

230 W. McCarty St.

Jefferson City, MO 65101

P: 573.636.6263

F: 573.636.6231

Omaha

1299 Farnam St.

Omaha, NE 68102

T: 402.342.1700

F: 402.930.1701



PATRICIA A. KONOPKA
PARTNER

AT A GLANCE

Pat has extensive experience litigating employment-related and commercial matters. As a member of the firm's Employment, Labor and Benefits Division, she regularly advises clients on, and litigates cases involving, non-competition and non-solicitation agreements. She represents employers in lawsuits asserting claims of wage and hour violations (including collective and class actions); harassment; sex, race, age and disability discrimination; retaliation; breach of express and implied contracts; and other employment-related claims. Pat also represents employers in the defense of discrimination claims filed with federal, state and local administrative agencies, and has represented clients in appellate actions in state and federal courts of appeal.

In addition to her litigation practice, Pat counsels private and public employers on all aspects of employment law and human resources practices including discharge; employment and severance agreements; discrimination and harassment; employee handbooks; contracts and policies; wage and hour issues; employee leave; accommodations for disabilities; privacy issues; and defamation. She conducts and directs internal investigations of alleged misconduct by employees, as well as claims by employees of harassment or discrimination.

Pat is a frequent speaker at continuing legal education seminars and employer workshops. She also provides educational and training seminars for employees.

PRACTICE EMPHASIS

Employment Litigation
Noncompetition Agreement Litigation
Business Litigation
Employer Counseling
Appellate Litigation

EDUCATION

University of Kansas, J.D., 1994
Order of the Coif
C.C. Stewart Award in Law
Faculty Award for Outstanding Scholastic
Achievement
University of California-Berkeley, A.B., History, 1983

RELEVANT EXPERIENCE

- In recent years, Pat has represented:
- A major utility in several cases brought by former employees alleging race discrimination.
- A national accounting firm to obtain a preliminary injunction against several former shareholders who left the firm to form a competing business in violation of their noncompetition agreement;
- A provider of transportation and wireless networking implementation services against in a putative collective and class action claiming the company failed to pay overtime wages in violation of state and federal law;
- A global provider of secure electronic financial transaction services against a breach of contract claim by a former employee;
- Numerous banks and financial institutions on a variety of employment-related matters.

OF NOTE

Pat joined the firm after serving as law clerk to the Honorable Deanell Reece Tacha, Circuit Judge, United States Court of Appeals for the Tenth Circuit. She is listed in the 2010 edition of *Best Lawyers in America* for Labor and Employment Law. She also has been listed as a *Super Lawyer* in the 2007 and 2008 issues of *Missouri and Kansas Super Lawyers Magazine* for Employment Litigation.

COMMUNITY INVOLVEMENT

- UMKC Women's Council, Board Member (2007-Present)
- UMKC University Associates Board Member (2003-2006; President 2006)
- University Associates' Community Fellows Program, University of Missouri - Kansas City (2000-2001)
- Leukemia and Lymphoma Society, candidate in 2002 Man & Woman of the Year campaign

BAR ADMISSIONS

- Missouri, 1994
- Kansas, 1995

PROFESSIONAL AFFILIATIONS & ACTIVITIES

- American Bar Association
- Kansas Bar Association
- Missouri Bar Association
- Kansas City Metropolitan Bar Association
 - Labor & Employment Committee (Co-chair, 2010)
 - Heartland Diversity Legal Job Fair Committee (2005-2007; Chair 2006)
 - Kansas City Metropolitan Bar Foundation Board Member
- Asian American Bar Association of Kansas City
- National Asian Pacific American Bar Association
- Heartland Labor & Employment Law Institute Steering Committee (Chair 2007)

ARTICLES/PAPERS

- "Combating Sexual Harassment in the Workplace Without Risking a Wrongful Discharge Lawsuit: An Employer's Dilemma?" *Kansas Law Review* (1994).

KANSAS CITY OFFICE

Direct 816.691.3312
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Email pkonopka@stinson.com



STEPHANIE N. SCHECK
PARTNER

AT A GLANCE

Stephanie chairs the firm's Employment and Employee Benefits Practice Group. Her practice is concentrated in the field of employment law litigation and advising. Stephanie has experience representing employers on employment law matters in administrative proceedings and in federal and state courts. She also provides consulting, training and audits on a variety of employment law compliance issues, including consultation in the development and implementation of affirmative action plans, diversity programs, personnel policies and procedures. Stephanie regularly represents clients in OFCCP Affirmative Action Plan audits and claims before the Department of Labor.

Her experience covers a wide variety of employment law issues, including employment discrimination, harassment and retaliation claims, Section 1981 claims, disability and FMLA claims, wage and hour claims, H-2A visa and immigration issues, military leave, federal contractor affirmative action issues, unemployment claims, non-competition litigation, and wrongful termination and whistleblower litigation. Stephanie also has experience representing businesses, including airlines, in public accommodation and Section 1981 race and national origin discrimination claims.

PRACTICE EMPHASIS

Employment Litigation
Employment Law Consulting
Labor Law
Noncompetes & Restrictive Covenants
Immigration

EDUCATION

University of Kansas, J.D., 1996
Kansas Journal of Law & Public Policy
Kansas State University, B.S., Business Administration, Human Resources Management, *cum laude*, 1993

RELEVANT REPRESENTATION

- Successful defense of employers in federal district and appellate courts and administrative agency employment discrimination, harassment, retaliation, disability, FMLA and Section 301 actions. Representative clients include Cessna Aircraft Company, Protection One Alarm Monitoring, and Westar Energy.
- Obtained jury verdict on behalf of aircraft manufacturer in Title VII litigation alleging discrimination and harassment based on race, religion and national origin.
- Representation of employers in various administrative actions, including wage and hour, FMLA, and OFCCP Executive Order Affirmative Action Plan audits and claims before the Department of Labor.
- Counsel and conduct training for employers on a variety of employment law compliance issues relating to both federal and state employment laws, including prevention of discrimination and harassment in the workplace, diversity training, and response to attendance and performance issues involving employees with medical and psychological needs under the FMLA and reasonable accommodation and medical inquiries under the ADA.

OF NOTE

For the fifth year, stephanie has been selected by *chambers usa* as one of the top employment defense attorneys in kansas. In the 2007 edition, *chambers* describes stephanie as a "rising

star" in the wichita community and an attorney with "great judgment" who does "outstanding work" and an "exceptional job." The 2008 edition notes that stephanie has a "decisiveness about her that really resonates with a jury" and is "an outstanding general resource on employee benefits and specific hr compliance issues." The 2009 edition says "clients highlight her mastery of [employment law]... and also highlight her confidence and quick wit."

Stephanie was also nominated by her peers as one of the leading practitioners in her field in *who's who legal usa: management labor & employment*. Stephanie was recognized in the debut edition of *benchmark: litigation for kansas* where she received acclaim for her "skillful" mastery of employment litigation and her "cost effective" representation. Most recently, stephanie was listed as a missouri/kansas *super lawyer* for employment law for 2008 and 2009.

COMMUNITY INVOLVEMENT

Stephanie was awarded the "President's Award" by the Wichita Bar Association in recognition for her service on the Wichita Bar Association's Diversity Action Plan Drafting Committee who worked to develop a Plan to promote diversity in the legal community in Wichita. Stephanie is also an active participant on the firm's diversity committee.

Stephanie was recognized for her community involvement by being selected to the 2003 class of the "40 Under 40". This honor is given by the *Wichita Business Journal* to recognize Wichita residents under the age of 40 who are making significant contributions to the area's economy and to the community. In addition, she is currently active on behalf of a number of community organizations, including serving on the advisory board for the North Wichita YMCA. She is also a supporter of Dress For Success Wichita, where she is a former President and Vice President of the organization, and is a charter member of the Leaders of Tomorrow Association of the United Way of the Plains.

BAR ADMISSIONS

- Kansas, 1996
- Tenth Circuit Court of Appeals, 1998

PROFESSIONAL AFFILIATIONS & ACTIVITIES

- American Bar Association, Employment Law Section
- Kansas Bar Association, Employment Law Section
- Kansas Women Attorneys Association
- Wichita Bar Association
 - Diversity Action Plan Drafting Committee and Diversity Committee
 - Law in Education Committee (prior Chairperson)
 - Summer Intern Committee (prior program Chairperson)
- Wichita Women Attorneys Association
- Society for Human Resource Management

SPEECHES & SEMINARS

- "I-9 Compliance Training," August 2010 seminar, Construction Leadership Council, Associated General Contractor of Kansas, Wichita, Kansas
- "Are Your Affirmative Action Plans Audit Ready?" August 2010 seminar, Associated Industries of Missouri, Jefferson City, Missouri
- "Compliance Radar: OFCCP, DOL, DHS and other ABC's," February 2010 employment law seminar for the Kansas-SHRM, Topeka, Kansas.

- "Diversity Issues in the Workplace," September 2009 and January 2010 supervisor training, Wichita, Kansas and Macomb, Michigan.
- "New Challenges for HR in 2010," January 2010 seminar, Wichita, Kansas.
- "Compensation: Wage & Hour and Much More," February 2009 legislative updates seminar for the KS-SHRM, Topeka, Kansas.
- "New Challenges for HR in 2009," January 2009 seminar, Wichita, Kansas.
- "Human Resources Audit: Auditing Your Procedures, Documentation and Policies in Kansas," October 2008, seminar for Lorman Education Services, Wichita, Kansas.
- "Wage and Hour Update," April 2008, seminar for the Wichita Bar Association, Wichita, Kansas.
- "New Challenges for HR in 2008," March 2008, seminar for the Central Kansas Chapter of the Society for Human Resource Management, Hutchinson, Kansas.
- "Diversity Issues in the Workplace," February 2008, supervisor training, Wichita, Kansas.
- "New Challenges for HR in 2008," January 2008 seminar, Wichita, Kansas.
- "Human Resources Audits In Kansas," October 2007, seminar for Lorman Education Services, Wichita, Kansas.
- "Women@Grant Thornton Women's Initiative," Panel Speaker, June 2007, Wichita, Kansas.
- "Top HR Challenges in 2007," January 2007 seminar, Wichita, Kansas.
- "I-9 Compliance," November 2006, seminar for Kansas Agri Business Expo, Wichita, Kansas.
- "e-Employment: Technology Creates legal Challenges for Employers," April 2006, seminar for the Wichita Chapter of the Society for Human Resources Management, Wichita, Kansas.
- "Top HR Challenges in 2006," January 2006 seminar, Wichita, Kansas.

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H. RUSSELL FRISBY, JR.
PARTNER

AT A GLANCE

Russell's practice focuses on regulatory and corporate matters affecting entities in the communications, energy and technology areas. For more than 20 years, he has represented clients in a wide variety of proceedings, including litigation matters, before the Federal Communications Commission (FCC), state utility commissions and federal courts. As part of his practice, he has served as special telecommunications counsel to several large municipalities and has testified before several Congressional committees on various issues.

Russell's professional experience includes serving as CEO and acting chief legal officer of the Competitive Telecommunications Association, which is the largest association representing competitive facilities-based carriers, providers using unbundled network elements, global integrated communications companies, and their supplier partners.

Previously, Russell served as chairman of the Maryland Public Service Commission. During his tenure, the commission was renowned for its pro-competitive policies in telecommunications, gas and electricity matters. Russell participated in a number of key decisions, including the Telecommunications Act arbitration proceedings, various rate cases and the electric industry restructuring.

PRACTICE EMPHASIS

Telecommunications
Energy
General Business

EDUCATION

Yale University, J.D., 1975
Swarthmore College, B.A., 1972

OF NOTE

Throughout his career, Russell has been active in public affairs and civil rights. He served as counsel to the Minority Business Enterprise Legal Defense and Education Fund, and represented it before the U.S. Supreme Court in the Croson case. He also served as counsel of record for the Congressional Black Caucus before the Supreme Court in the Adarand case. In 1989, Russell received the fund's Charles Hamilton Houston Award for his outstanding skill, dedication and commitment through legal representation on behalf of the national minority business community.

COMMUNITY INVOLVEMENT

- Baltimore City Chamber of Commerce, Founding Chair
- Afro-American Newspapers
- Baltimore Museum of Art
- Baltimore Urban League
- B&O Railroad Museum
- United Way of Central Maryland
- Maryland Historic Society

BAR ADMISSIONS

- District of Columbia, 1978
- Maryland, 1975
- U.S. District Court for the District of Maryland
- Court of Appeals of the District of Columbia

- U.S. Court of Appeals for the District of Columbia
- U.S. Supreme Court

PROFESSIONAL AFFILIATIONS

- American Bar Association
 - Administrative Law and Regulatory Practice Section, Chair
 - ABA Conference of Minority Partners, Past Secretary
 - Business Law Section
- Federal Communication Bar Association
 - Diversity Committee, Co-Chair
- American Bar Foundation, Life Fellow
- Maryland State Bar Association
- Maryland Bar Foundation, Life Fellow
- District of Columbia Bar Association
- Federal Communications Bar Association
- Energy Bar Association

LECTURES/SPEECHES

Russell speaks regularly before industry conferences, financial analysts and Congressional committees on communications and technology issues.

ARTICLES/PUBLICATIONS

- "PATH, A Sensible, High-Tech Solution Critical to Region," *Frederick News Post*, May 31, 2009
- "Facing a Dim Future?" *Baltimore Sun*, August 13, 2008
- "Energy Crisis," *Cumberland Times-News*, July 7, 2008
- "Energy Identity Theft: We're Way Beyond Plugging in the Meter Upside Down," *Smart Grid News*, April 9, 2008
- "The First Great Telecom Debate of The 21st Century," *2007 Journal of Communications Law and Policy*, Vol 15, Number Two

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