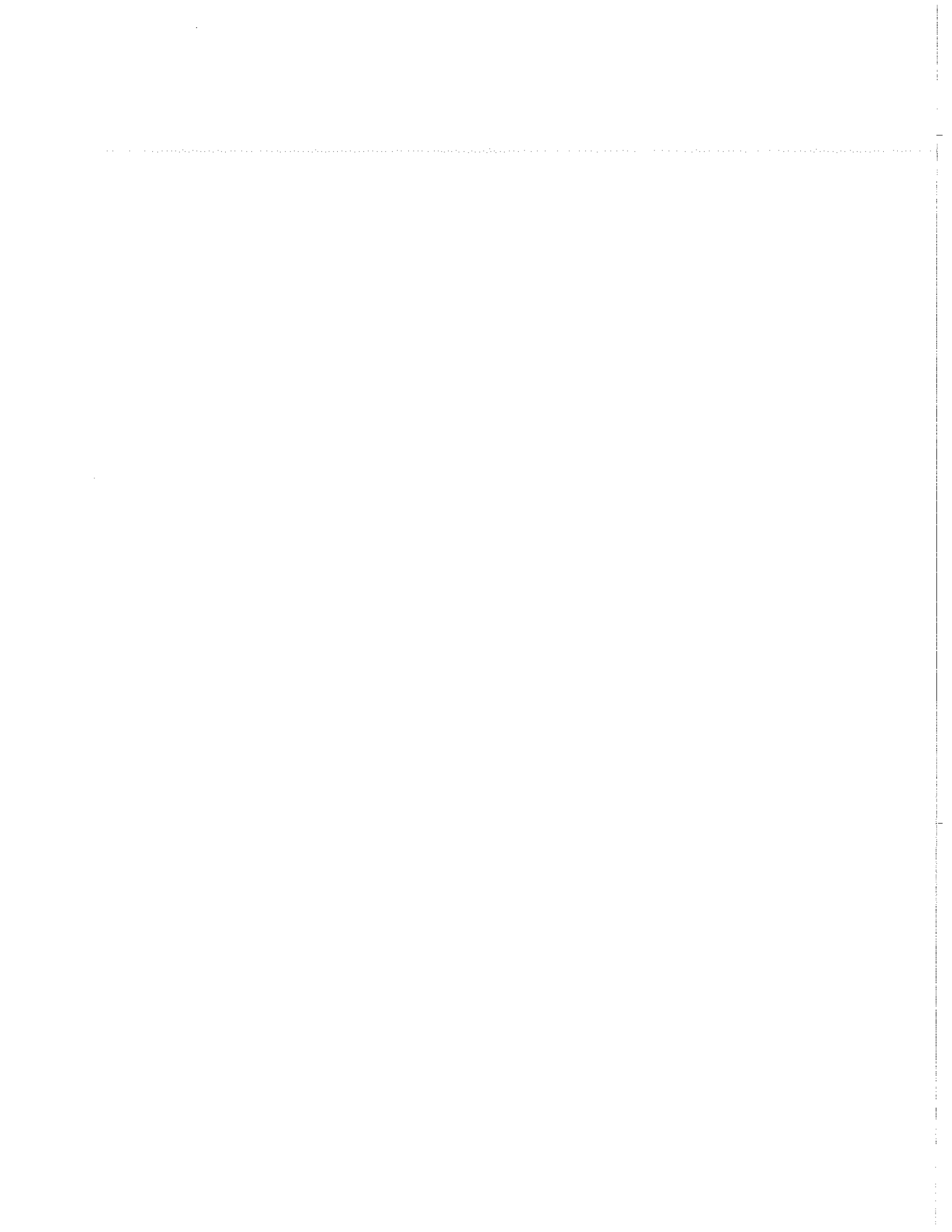


**REGIONAL PROGRAM OF THE 4<sup>TH</sup>, 5<sup>TH</sup> AND 11<sup>TH</sup> CIRCUITS  
ST. PETERSBURG, FLORIDA  
FEBRUARY 8, 2020**

**AGENDA**

9:00am	Welcome & Introduction	
9:05 am - 10:35 am	<p><b>Civility and Professionalism in the Courtroom</b></p> <p><b>Speakers:</b> Honorable J. Michelle Childs (US District Court, District of South Carolina); Honorable James E. Graves, Jr. (US 5<sup>th</sup> Circuit Court of Appeals); Honorable Charles R. Wilson (US 11<sup>th</sup> Circuit Court of Appeals)</p>	Three esteemed federal judges will offer their thoughts and insights into practical topics such as how to be an effective advocate before the court, the difference between appellate and jury argument, the importance of preparedness, making the most of oral argument, and fidelity to the appellate record. The judges will also offer their insights into how general incivility in our public discourse has affected the courtroom. Enjoy a relaxed time of discussion, questions, and answers with our distinguished panel of jurists.
10:35 – 10:40 am	Break	
10:40 am – 11:55 am	<p><b>View from the Hill: A Legislative Update</b></p> <p><b>Speakers:</b> Fellow Randel K. Johnson (Seyfarth Shaw, Washington, DC) Lynn Rhinehart (Economic Policy Institute, Washington, DC)</p>	What's happening with labor and employment legislation in the House and Senate? Is anything likely to pass in a divided Congress? Is there any room for common ground? Panelists will discuss and debate pending proposals in Congress, including the Protecting the Right to Organize (PRO) Act, and talk about their prospects for adoption.
12:00 – 1:00 pm	Lunch	
1:00 pm – 2:00 pm	<p><b>The NLRB in 2020</b></p> <p><b>Speaker:</b> Peter Robb (General Counsel, National Labor Relations Board, Washington, DC)</p>	The National Labor Relations Board continued to experience change in 2019, as Peter B. Robb succeeded Richard F. Griffin for a four-year term as General Counsel which began on November 17, 2017. Mr. Robb will provide his observations on the significant issues he has brought to the Board or may bring in the future.
2:00 – 2:10 pm	Break	
2:10 pm – 3:25 pm	<p><b>The Intersection of Employment Law and Criminal Law</b></p> <p><b>Speakers:</b> Fellow Cynthia Sass (Sass Law Firm, Tampa, FL); A. Brian Albritton (Phelps Dunbar, Tampa, FL); Jo Ann Palchak (The Law Office of Jo Ann Palchak, PA, Tampa, FL); Jason Pill (Phelps Dunbar, Tampa, FL)</p>	This presentation will provide practitioners with guidance on how to identify and handle employee and employer criminal activity in the workplace, such as claims of employee theft or embezzlement, employees viewing pornography on employer's devices and employer's illegal activity such as fraud on the government. The presentation will discuss best practices and ethical considerations for addressing these issues.



The Honorable J. Michelle Childs was appointed to the United States District Court for the District of South Carolina in August 2010. She holds a B.S. in Management from the University of South Florida Honors College, a J.D. from the University of South Carolina School of Law, a Masters in Personnel and Employment Relations from the University of South Carolina's Darla Moore School of Business, and a Masters of Judicial Studies from Duke University School of Law.

Prior to the federal court, she served as an At-Large Circuit Court Judge, including having responsibilities as the Chief Administrative Judge for General Sessions and Business Court for the Fifth Judicial Circuit of Richland and Kershaw Counties. Judge Childs also had the distinct honor of gubernatorial appointments as a Workers' Compensation Commissioner (2002-06) and as the Deputy Director for the South Carolina Department of Labor, Licensing and Regulation's Division of Labor (2000-02), overseeing programs for Wages and Child Labor, OSHA, OSHA Voluntary Programs, Elevators and Amusement Rides, Migrant Labor, and Labor-Management Mediation. Judge Childs was formerly a partner with the law firm of Nexsen Pruet Jacobs & Pollard, LLP, in Columbia, South Carolina, where she practiced in the areas of employment and labor law and general litigation. Judge Childs is very active with various local, state and national bar organizations, as well as community organizations. She is a member of the American Law Institute, is on the council of the American Bar Association's Section of Litigation, and currently serves as chair of the American Bar Association's National Conference of Federal Trial Judges.

As a practicing lawyer and judge, she has lectured and served frequently on panels for topics regarding litigation and trial techniques, courtroom practices and procedures, discovery and expert witness issues, evidence, and various topics for new lawyers.

**James E. Graves, Jr.**  
**United States Circuit Judge**  
**United States Court of Appeals for the Fifth Circuit**

Judge James E. Graves, Jr. was nominated by President Barack Obama on June 10, 2010, to the United States Court of Appeals for the Fifth Circuit. His nomination was unanimously confirmed by the U.S. Senate on February 14, 2011. Upon nominating Judge Graves, President Obama said, "Throughout his career James E. Graves has shown unwavering integrity and an outstanding commitment to public service."

Judge Graves was born in Clinton, Mississippi. He earned his B.A. in sociology at Millsaps College. He worked in Mississippi's Department of Public Welfare for two years before beginning law school. He then earned his law degree, as well as a master's degree in public administration at Syracuse University.

Upon graduation from law school, Judge Graves worked as a staff attorney with Central Mississippi Legal Services. He engaged in private practice in Jackson for three years before joining the Office of the Mississippi Attorney General as a Special Assistant Attorney General in the Health Law Division, and later served as head of the Human Services Division. He then joined the Mississippi Department of Human Services where he served as Director of the Division of Child Support Enforcement.

In 1991, Judge Graves was appointed as a circuit judge in Hinds County, where he served for ten years. In 2001, he was appointed to the Mississippi Supreme Court. He was elected to continue on the court in 2004. He served as a presiding justice from 2009 until 2011, when he joined the Fifth Circuit.

Judge Graves has served as an adjunct professor at Jackson State University, Millsaps College, and Tougaloo College. He taught courses in civil rights and media law as well as the sociology of law. He has also been a Teaching Team Member of the Harvard Law School's Trial Advocacy Workshop.

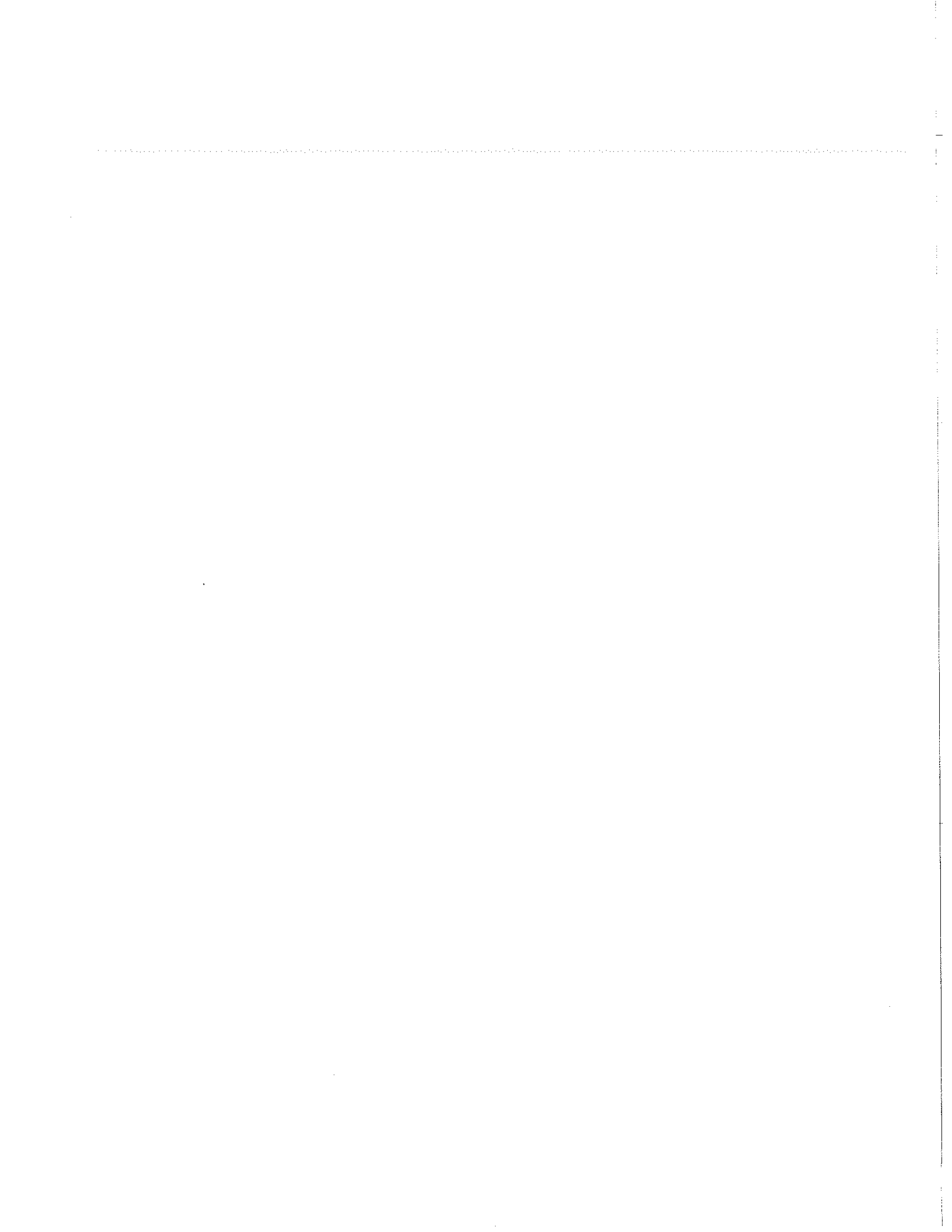
As the first African American from Mississippi to serve on the Fifth Circuit, Judge Graves was awarded the Mississippi Trailblazer of the Decade award—an award that recognizes Mississippians who have shown a commitment to racial, cultural, and gender diversity and who have presented Mississippi in a positive light.

Judge Graves was awarded the 2011 FBI Director's Community Leadership Award in recognition of his deep commitment to working with Mississippi youth. Other organizations have acknowledged Judge Graves' work with youth as well. In 2009, he was awarded the Maxwell Public Administration Award by Syracuse University's Maxwell School of Citizenship and Public Affairs, which recognizes alumni for exceptional work in public service. Millsaps College awarded him the Livesay Award in 2004 for his service to Millsaps College and the larger community. He was awarded the Humanized Education Award in 2002 by the Mississippi Association of Educators. He was Jackson Public School District's 2001 Parent of the Year and the First Alternate for Mississippi's Parent of the Year Award for 2001. In 1991, he was named Champion Adopter by the Lake Elementary School's Boys for a Brighter Tomorrow Program in honor of his mentoring.

Judge Graves has three sons, all of whom are attorneys. He and his wife, Dr. Bettye Ramsey Graves, are active members of New Heights Seventh Day Adventist Church in Jackson, Mississippi.

## **CHARLES R. WILSON BIOGRAPHY**

Charles R. Wilson was appointed by President Bill Clinton to the United States Court of Appeals for the Eleventh Circuit in 1999. He previously served as the United States Attorney for the Middle District of Florida; as a United States Magistrate Judge in the Middle District of Florida; as a County Judge in Florida; as an Assistant County Attorney for Hillsborough County, Florida; and in the private practice of law in Tampa. Judge Wilson received his undergraduate and law degrees from the University of Notre Dame. After law school, he served a clerkship with Judge Joseph W. Hatchett on the United States Court of Appeals for the Fifth (now Eleventh) Circuit.



Lynn Rhinehart is a Senior Fellow focused on labor policy, unions and collective bargaining at the Economic Policy Institute, a Washington, D.C.-based think tank that provides research and analysis on economic issues as they affect working people. She is Special Counsel to Actors' Equity, the union for stage actors and stage managers, and she consults with labor organizations on a variety of union issues. Lynn is on the advisory board of the Harvard Law School "Clean Slate for the Future of American Labor Law" project and the board of the National Employment Law Project. Until July 2018, Lynn was General Counsel of the national AFL-CIO, a federation of 55 national and international labor unions, and executive director of the AFL-CIO Lawyers Coordinating Committee, a national organization of 2,100 union-side labor lawyers.



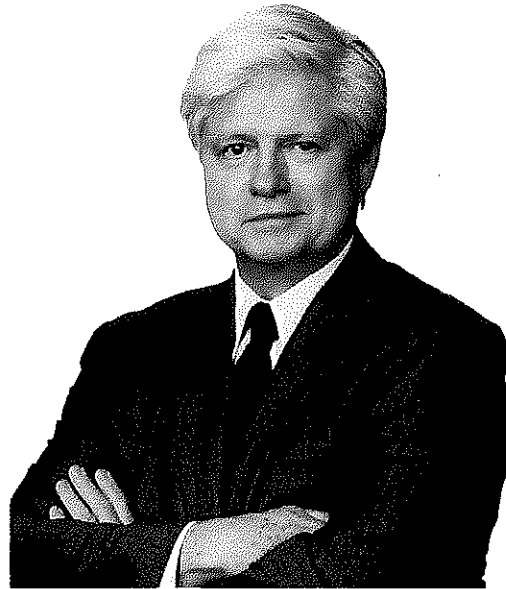
# Randel K. Johnson

## Partner

Labor & Employment

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Washington, DC  
+1 (202) 772-9730



**Randy works with clients to troubleshoot problems that arise on Capitol Hill or in the regulatory agencies. This can take the form of specific confidential, targeted relief or broader long-term efforts.**

## More About Randy

Clients turn to Randy when employment legislation or regulations adverse to their interests move on Capitol Hill, in the agencies or, on occasion, in a state legislature. He helps stop or rework adverse legislation or regulations by educating the applicable decision-makers within the legislative or regulatory bodies, and evaluating what is reasonably achievable. Evaluating the probable success of court challenges is part of this equation. Randy testifies in front of the applicable committees of jurisdiction, developing background memorandum, or comments on regulations, as needed. He also works behind the scenes, and builds coalitions with allies who have similar interests.

Throughout his practice, Randy draws upon his extensive government and business experience. He worked on Capitol Hill for 10 years, both in the majority and in the minority. This gave him perspective on the process witnessed by few, as labor counsel and coordinator to the House Committee on Education and Labor. He also worked for



20 years as senior vice president for labor, immigration and employee benefits for the US Chamber of Commerce. Randy has worked with numerous companies across the economic spectrum, many of which have needed narrow, company specific, relief while other situations required building a broader movement on the part of the business community to defeat industry wide adverse legislation or regulatory initiatives. He has handled both of these types of matters, in addition to keeping companies abreast of ongoing policy developments.

Randy has managed a broad range of matters over his many years in the Washington, DC, policy arena. He was one of the coalition leads in defeating the ergonomics and blacklisting regulations. He crafted compromises which led to the passage of the Americans with Disabilities Act and subsequent amendments; worked on numerous regulations; testified on Capitol Hill; and spearheaded efforts to kill anti-employer legislation such as the Employee Free Choice Act, the Paycheck Fairness Act and striker replacement. Randy also negotiated many provisions of comprehensive immigration reform legislation, and more particularly, the W-Visa lesser-skilled program with the AFL-CIO. He turned around, with little preparation time, Illinois state legislation which threatened to put a client out of business in that state—and possibly others—had that bill become a model for other state legislatures.

Randy evaluates his clients' concerns holistically and boils them down to accurate messaging absorbable by governmental policy staff supported with thorough factual backing if needed. He never make promises he can't keep, and invariably follows through. He has a good sense of what's doable and when clients need to compromise—even when that message is difficult to deliver.

## Education

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- Graduate Certificate, Harvard University, John F. Kennedy School of Government  
Government Policy
- LL.M., Georgetown University Law Center  
Labor
- J.D., University of Maryland Francis King Carey School of Law  
Labor

- BA, Denison University  
History

## Admissions

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- District of Columbia
- Maryland

## Courts

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- US Supreme Court
- US Court of Appeals, Fourth Circuit
- US Court of Appeals, DC Circuit
- US District Court, District of Columbia
- US District Court, District of Maryland

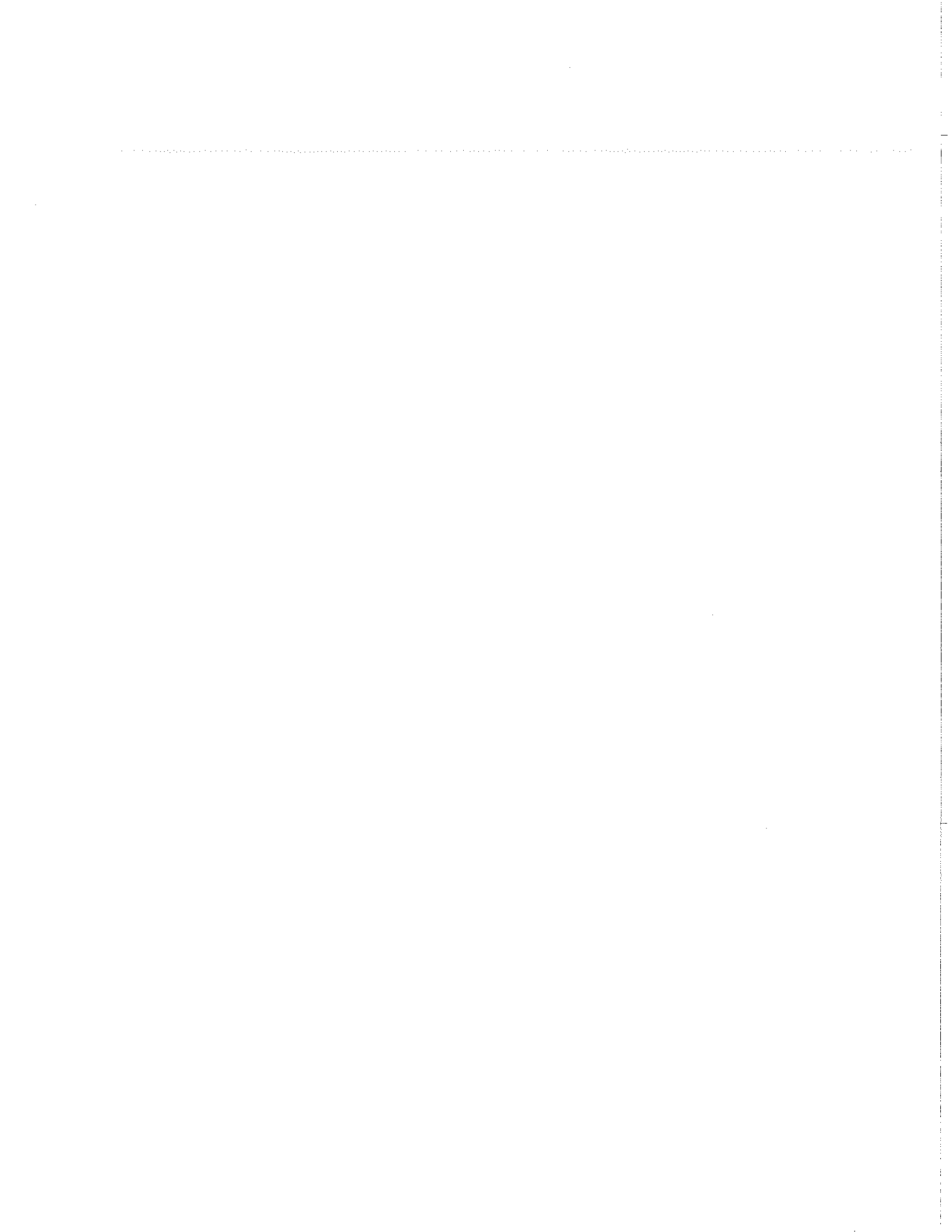
## Related Services

Government Relations & Policy

Employment

Immigration Compliance & Enforcement

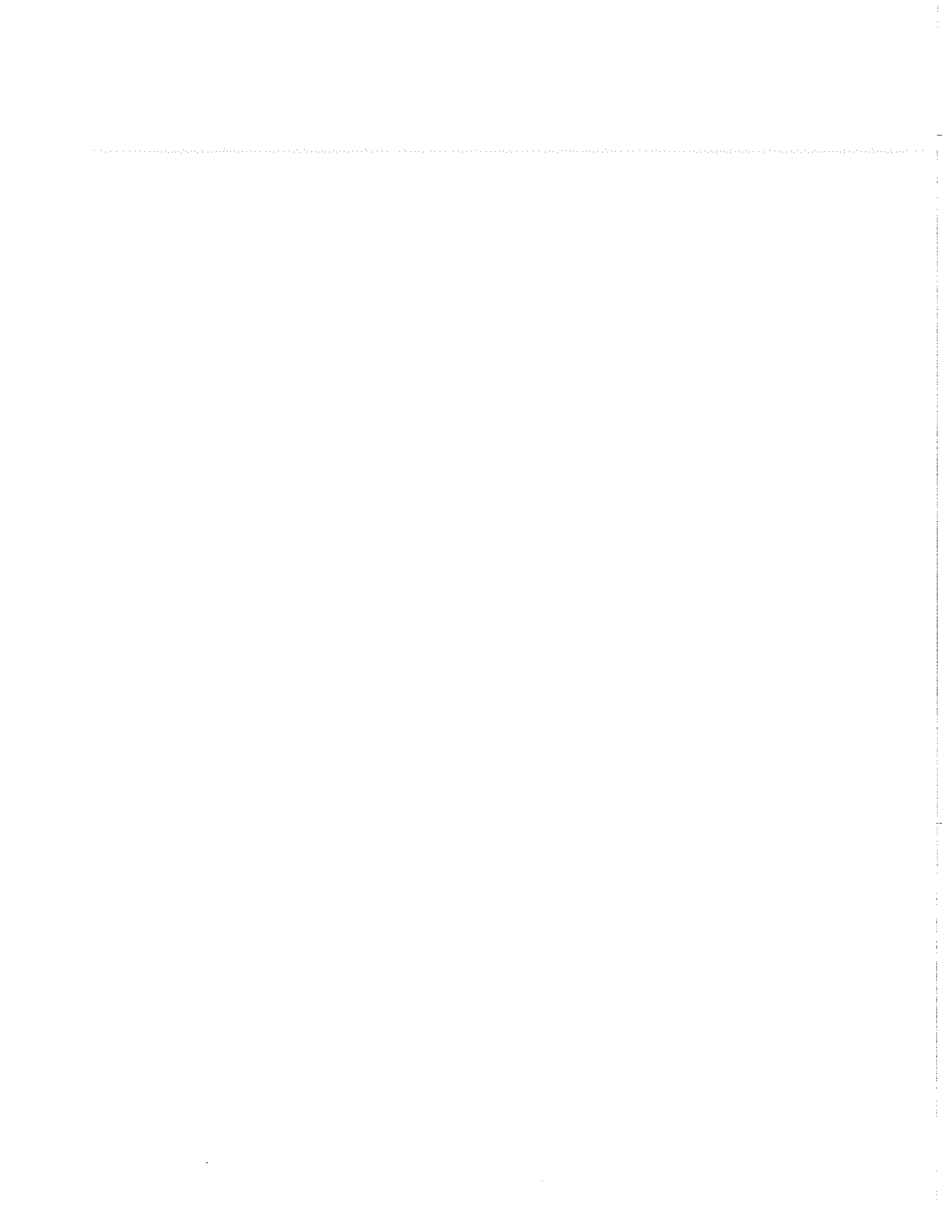
EB-5 Immigrant Investment



**Peter B. Robb** was sworn in as General Counsel of the National Labor Relations Board on November 17, 2017 for a four year term. Mr. Robb was nominated by President Donald J. Trump in September 2017 and was confirmed by the U.S. Senate on November 8, 2017.

Mr. Robb previously was a Director at the northern New England law firm Downs Rachlin Martin PLLC (DRM). He joined DRM as a Director in 1995. He chaired the firm's Labor and Employment Practice Group from 2000 to 2009 and served as Deputy Managing Partner from 2009 to 2012. He also served on the American Bar Association's Practice and Procedures Committee for the National Labor Relations Board. Mr. Robb started his career as a field attorney with the National Labor Relations Board and later served as Chief Counsel to Board Member Robert P. Hunter.

Mr. Robb received his Juris Doctor, cum laude, from the University of Maryland School of Law; and a Bachelor of Arts from Georgetown University.





## A. Brian Albritton

Partner, Tampa Office

813.472.7557 *DIRECT*  
813.472.7570 *FAX*  
brian.albritton@phelps.com

100 South Ashley Drive  
Suite 2000  
Tampa, Florida 33602-5315

### Practice Focus

- Antitrust and Trade Regulation
- Litigation
- Health Care
- Health Care Litigation
- Regulatory and Governmental Matters
- White Collar Defense and Governmental Investigations
- False Claims Act

### Industries

- Health Care

### Education

- Boston College Law School, J.D., *cum laude*, 1988
- Harvard Divinity School, M.T.S., 1982
- New College of the University of South Florida, B.A., 1979

### Admissions

- U.S. Court of Appeals for the Eleventh Circuit
- U.S. Supreme Court
- U.S. District Court, Northern District of Florida
- U.S. District Court, Southern District of Florida
- U.S. District Court, Middle District of Florida
- Florida

### Clerkships

- Law Clerk to the Hon.

### Practice

A. Brian Albritton concentrates his practice on “white collar” criminal defense; False Claims Act and *Qui Tam* litigation; defending regulatory enforcement actions brought by government agencies, including unfair/deception trade practice actions brought by the Federal Trade Commission and state attorneys general; regulatory compliance; and complex commercial litigation, including the prosecution and defense of claims relating to trade secret theft, non-competition agreements and other restrictive covenants. Mr. Albritton was U.S. Attorney for the Middle District of Florida from 2008–2010. He currently authors the blog, [\*False Claims Act and Qui Tam Law\*](#).

#### “White Collar” Criminal Defense; *Qui Tam* and False Claims Act Litigation

Mr. Albritton has handled numerous grand jury investigations and defended a variety of white collar defense matters including claims involving RICO, trade secret theft, environmental crime, student loan fraud, bankruptcy fraud, securities fraud, and tax fraud. In addition, Mr. Albritton has defended numerous criminal and civil health care fraud, False Claims Act, and *Qui Tam* cases. Along with his trial practice, clients frequently call upon Mr. Albritton to conduct internal investigations regarding alleged misconduct in their businesses (including issues involving Sarbanes–Oxley); defend and coordinate responses to subpoenas from investigative bodies; develop corporate compliance programs, and conduct employee and management training on compliance issues.

Mr. Albritton served as U.S. Attorney for the Middle District of Florida from 2008–2010. In that position, he supervised the prosecution of all federal crimes and the litigation of all civil matters involving the federal government in the District, and he directed 110 assistant U.S. Attorneys in offices located in Tampa, Ft. Myers, Orlando, Jacksonville and Ocala. Under Mr. Albritton’s leadership, the District substantially increased its white collar prosecutions and gained national recognition for its “Mortgage Fraud Surge” initiative. During his tenure, Mr. Albritton emphasized vigorous civil and criminal prosecution of health care fraud, and he worked to establish the Tampa Division’s Medicare Fraud Strike Force (the “HEAT Team”) and to resolve *United States v. WellCare Health Plans, Inc.*, one of the largest health care fraud cases nationwide in 2009. While U.S. Attorney, Mr. Albritton also tried several criminal cases, most notably *United States v. Beau Diamond*, which involved a large Ponzi scheme that originated in Sarasota.

#### Defending Regulatory Actions Brought By Government Agencies

Mr. Albritton advises clients and handles litigation involving actions brought by

William Terrell Hodges,  
U.S. District Court, Middle  
District of Florida

governmental agencies against clients for regulatory and compliance violations. This nontraditional litigation often involves elements of civil and criminal practice, and he has defended clients before a variety of administrative and governmental agencies, including the U.S. Department of Health and Human Services, U.S. Department of Education, the Florida Department of Environmental Affairs, Hillsborough County Environmental Protection Agency, the Florida Department of Business and Professional Regulation, along with other state and local agencies.

In addition, Mr. Albritton frequently represents clients in investigations brought by attorneys general and the Federal Trade Commission, and he has defended organizations nationwide that are involved in telemarketing and direct mail advertisements, including businesses in the hospitality, travel, credit counseling/debt management, and debt collection industries. Mr. Albritton advises clients how to comply with the myriad federal and state laws regulating telemarketing, direct mail and related types of consumer sales.

#### **Complex Commercial Litigation, With a Focus on Trade Secrets, Noncompetition Agreements, and Other Restrictive Covenants**

Mr. Albritton has litigated a variety of complex commercial actions involving contract disputes, fraud, civil RICO, trade practice and unfair competition claims, business torts, creditors' rights, and environmental litigation. For several years, he focused much of his civil practice on claims involving trade secrets, noncompetition agreements and other restrictive covenants. Litigation of these claims is often very similar to criminal practice and frequently involves allegations of theft of trade secrets or other confidential business information by another business or competitor.

Prior to serving as U.S. Attorney, Mr. Albritton was a partner in the Tampa office of Holland & Knight LLP (1990-2008). He also served as an Adjunct Professor at Stetson University College of Law (1998-2004) where he taught Federal Criminal Law Seminars and Federal Courts. He served as a law clerk to U.S. District Judge William Terrell Hodges, M.D. Florida (1988-1990). Currently, he is the firm's practice coordinator for the Tampa litigation group.

#### **Insights**

##### ***Publications***

- "If You Represent Government Contractors, Beware: False Claims Act Litigation Is Rapidly Becoming a Growth Industry," *The Federal Lawyer* (March 2017)
- Author/Editor, False Claims Act & Qui Tam Law Blog, [www.falseclaimsactlawblog.com](http://www.falseclaimsactlawblog.com)
- Author, "Can They Do That? Government Threats to 'Come Down and Look Around' to Force Settlement in Qui Tam Cases," *The Health Lawyer* (December 2011)
- Author, "DOJ Reminds Employers That Agreements Not to Solicit Employees Can Sometimes Violate Antitrust Laws," *eLABORate* (December 2010)
- Author, "Presumption of Guilt: Taking the Fifth in Non-Criminal Proceedings," *Litigation Magazine* (Fall 2007)
- Author, "Restrictive Covenants for Lawyers," *Hillsborough County Bar Association Magazine: The Lawyer* (October 2005)

##### ***Speaking Engagements***

- "Avoiding, Defusing and Defending Against Whistleblowers in the Workplace," Association of Corporate Counsel West Central Florida Chapter (Tampa, FL., July 2019) Speaker
- Co-Presenter, "False Claims Act: Recent Trends & Reducing Risks of Whistleblower FCA Suits in the Construction Industry," Webinar (September, 2017)
- Phelps Dunbar & ACC West Central Florida Chapter CLE Luncheon - (November, 2017)
- Phelps Dunbar and ACC West Central Florida Chapter CLE Luncheon - (June, 2013)
- Phelps Dunbar and ACC West Central Florida Chapter Presents ""Qui Tams, The False Claims Act and Other Whistleblower Laws" CLE Luncheon - (June, 2013)
- Presenter, "Qui Tams, The False Claims Act and Other Whistleblower Laws," Association of Corporate Counsel, West Central Florida Chapter (June 2013)
- Presenter and Panelist, "The False Claims Act and Qui Tams: Powerful Weapons for Fighting Health Care Fraud," Conference on Emerging Issues in Health Law for Doctors and Lawyers, Stetson University College of Law (March 2012)
- Presenter, "The False Claims Act and Qui Tams," Association of Certified Fraud Examiners, Tampa Chapter Meeting (March 2012)
- Panelist, Fraud & Theft Offenses, 20th Annual Conference on the Federal Sentencing Guidelines, Orlando, FL (May 2011)
- Speaker, "Anatomy of a Crime," Law School for Physicians: What to Do When the DEA Comes Knocking: Prescribing Pain Medicines Without Fear of Prosecution, Symposium at Stetson Law School (April 2011)
- Co-presenter, "Medicare & Medicaid Fraud and Abuse and Impact of Health Care Reform on the Law," Health Care Fraud Management Association, Tristate Winter Institute, Tunica, MS (January 2011)
- Co-presenter, "Trade Secrets Unveiled: Defining, Protecting, and Challenging Trade Secret Assets," Web Seminar (September 2008)
- Co-presenter, "Restrictive Covenants in Florida: Drafting, Enforcing and Challenging Non-competition, Non-solicitation and other Restrictive Covenants," Web Seminar (March 2008)
- Seminar leader and presenter, "Current Issues in Corporate Criminal Justice," Tampa Bay Chapter – Federal Bar Association and Stetson University College of Law (2002)

#### **News**

- *Florida Trend's* 2019 Legal Elite Features Nine Tampa Partners - (06/27/2019)
- Media Coverage: "[Extended Medicare Bans Hint at Entrenched Fraud.](#)" Law360 (July 30, 2014) (subscription required)

#### **Memberships and Affiliations**

- Federal Bar Association, Tampa Bay Chapter (President, 2007-2008; Officer and Board Member, 2000-2006)
- Hillsborough County Bar Association, Criminal Law Section (Co-Chair, 2000-2001)
- American Bar Association
- Herbert G. Goldberg Criminal Law American Inn of Court (2002-2004; 2009-2011)



- Hillsborough County Association of Criminal Defense Lawyers (Past President, 1996; Board Member, 1997-2008)
- Florida Association of Criminal Defense Lawyers (Board Member, 1996)

#### **Recognition**

- George C. Carr Memorial Award Recipient, the highest award presented by the Federal Bar Association's Tampa Bay Chapter, recognizing excellence in federal practice and distinguished service to the Federal Bar (2009)
- *Florida Trend* magazine - Legal Elite
- AV® Preeminent Peer Review Rated by Martindale-Hubbell
- *The Best Lawyers in America*® (Woodward/White, Inc.), "Lawyer of the Year" Litigation – Health Care in Tampa, 2018
- *The Best Lawyers in America*® (Woodward/White, Inc.), Commercial Litigation in Tampa, 2015-2019; Criminal Defense: White-Collar, 2009-2019 in Tampa; Litigation – Health Care in Tampa, 2016-2019; Qui Tam Law in Tampa, 2017-2019
- Selected to the Florida Super Lawyers list, *Super Lawyers* (Thomson Reuters), 2009; 2011-2019



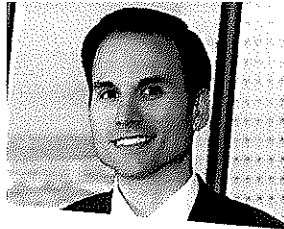
**Jo Ann Palchak** is an experienced litigator who represents individuals and companies in both civil and criminal investigations by the government. Ms. Palchak has a national white-collar criminal defense practice and has represented clients in enforcement cases involving allegations of financial fraud, violations of the Anti-Kickback Statute, Stark, False Claims Act, the Securities Act, and other regulatory matters in both federal and state court. She has represented several high-profile clients, helping to resolve their legal challenges under intense public scrutiny.

Ms. Palchak has also conducted internal investigations for companies in industries ranging from health care to publishing in addition to helping corporations sort out employment law matters. Ms. Palchak has also assisted employment law firms who represent individuals accused of wrongdoing in the workplace.

Ms. Palchak's work in the financial industry deals with consumer harm, handling disputes with broker dealers and other matters before Finra. Ms. Palchak also litigates matters involving the Securities Exchange Act in federal court. These matters often involve allegations of breaches of fiduciary duty and disclosure obligations. Ms. Palchak has counseled individuals and corporations in disputes arising from merger and settlement agreements and in analyzing disgorgement penalties and other equitable relief arising from allegations of securities related fraud. Ms. Palchak's experience in complex business disputes includes breach of contract, breach of implied duty of good faith, civil theft, breach of fiduciary duty, misappropriation of trade secrets and trademark infringement, replevin, and conversion actions, as well as injunctive relief. Ms. Palchak's criminal defense practice includes representing clients in felony and misdemeanor proceedings. She also counsels clients seeking appellate or post-conviction relief.

Ms. Palchak's experience is drawn from public service and the private sector. Before founding The Law Office of Jo Ann Palchak, P.A., in Tampa, Florida, she worked for several years at the white-collar firm of Zuckerman Spaeder LLP. Prior to that she clerked for the Hon. Darryl C. Casanueva of the Second District Court of Appeal in Florida. Before her clerkship, Ms. Palchak worked as a public defender in Hillsborough County, FL where she first-chaired numerous trials for clients charged with serious criminal allegations. Ms. Palchak's private sector experience includes working as a principal software engineer at Oracle Corporation in the bug diagnostic and escalation division. Before that, Ms. Palchak worked in the power generation business unit of Westinghouse Electric Corporation (now Siemens) and at an internet startup company. Ms. Palchak's extensive corporate experience and background as a software engineer give her unique insight and skill to conduct internal investigations and data analysis. Her facility with and understanding of information science and technology and first-hand experience in working on enterprise wide data storage permit her to easily navigate e-discovery and data recovery issues.

Ms. Palchak attended Stetson University College of Law and is a member in good standing of the Florida Bar.



**Jason A. Pill**  
*Partner, Tampa Office*

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### Practice Focus

- Labor and Employment
- Employment Litigation
- Wage and Hour
- Litigation
- Cybersecurity, Privacy and Data Protection

### Education

- University of Florida, Levin College of Law, J.D., *magna cum laude*, 2009; Order of the Coif; *Journal of Law and Public Policy*, Executive Articles Editor; *Entertainment Law Review*
- University of Florida, B.A., *cum laude*, in Economics, 2005; Phi Beta Kappa

### Admissions

- U.S. District Court, Middle District of Florida
- Florida
- U.S. District Court, Southern District of Florida
- U.S. District Court, Northern District of Florida

### Practice

Jason Pill practices in the area of labor and employment, cybersecurity, privacy, and data protection. He assists clients in handling unique issues that arise at the intersection of law and technology.

He represents employers regarding claims involving employment discrimination laws, wage and hour laws, family and medical leave laws, whistleblower laws, employee benefits, enforcement of non-competition agreements, customer complaints based on alleged discrimination, privacy-based claims, and various employment-related torts. He regularly appears in state and federal courts to represent a broad range of employers in the financial services, energy, retail, hospitality, health care, transportation, construction, engineering, and manufacturing industries.

In addition to litigation, Jason focuses his practice on counseling management and human resource professionals on a wide-range of workplace issues. He advises employers on developing and applying personnel policies, document retention policies, and compensation/bonus plans. He routinely assists employers with protecting their business interests through the implementation and enforcement of non-competition and non-disclosure agreements. He also assists employers in utilizing and managing technology in the workplace.

Jason also focuses on cybersecurity, privacy laws, and electronic discovery, and works with clients to develop strategies for electronic data organization, including large-scale eDiscovery projects and disputes, retention and collection – both before and during litigation – so they are prepared to actively avoid, pursue, or defend disputes in the most efficient way possible. Additionally, he assists clients in managing the security and privacy of their data, including actively responding to data breach incidents and ensuring compliance with state and federal data breach notification requirements. Jason also has experience litigating and resolving complex state and federal class action lawsuits arising from data breach incidents.

Jason stays active in his community through volunteering with numerous organizations including the Hillsborough County Bar Association, YMCA, USA Climbing, Paint Your Heart Out Tampa, Gasparilla Music Festival, and Lawyers Autism Awareness Fund.

### Experience

- Representation of numerous employers in defense of charges of discrimination, harassment, and retaliation filed with the U.S. Equal Employment Opportunity

Commission, the Florida Commission on Human Relations, and other state and local agencies.

- Representation of numerous employers in single-plaintiff EEO lawsuits in federal courts in Florida and other states.
- Representation of a wealth management and private equity firm in a FINRA arbitration involving claims of breach of fiduciary duty, wrongful discharge, and unfair competition; obtained full relief for the firm, including attorneys' fees. Reported Decision: In the Matter of the Arbitration Between: *Robert W. Baird & Co. v. Hegener*, 2012 WL 1378427 (FINRA April 10, 2012).
- Representation of a national staffing company against a former employee's claims of race discrimination and retaliation; obtained complete dismissal of employee's claims on summary judgement.
- Representation of a national mortgage lender in enforcement of restrictive covenant agreements against former employees following a competitor's raid of a regional office; obtained complete relief for the lender, including permanent injunctive relief.
- Representation of a national rental car company in a defamation case in Rhode Island, gender discrimination case in Pennsylvania, race discrimination case in Ohio, national origin and race discrimination case in Florida, religious discrimination case in Colorado, and customer charges and litigation in multiple states.
- Representation of a national package delivery company in defense of claims of sexual harassment, race discrimination, national origin discrimination, workers' compensation retaliation, and invasion of privacy.
- Representation of a national clinical laboratory in defense of discrimination claims, breach of contract claims for unpaid wages and commissions, unpaid overtime claims, and various whistleblower actions brought under state and federal laws.
- Representation of a regional health care provider in response to a significant data breach allegedly impacting more than 400,000 people, including litigation defense and resolution of multiple state and federal class actions arising from the data breach.
- Representation of a regional window distributor in defense of breach of contract, breach of implied warranties, and unjust enrichment claims; obtained a complete dismissal of claims at the trial court level and, after briefing and oral argument, obtained a mandate from Florida's Fifth District Court of Appeal affirming the dismissal.
- Managed and oversaw various complex discovery processes and disputes involving electronically stored information, including the collection, processing, review, and production of multiple terabytes of data.

## Insights

### Publications

- "Corporate Expansion Parts 1, 2 & 3," *Climbing Business Journal* (December 2019) Co-Author
- "Ask A Lawyer: Gym Waivers and Employee Tattoos," *Climbing Business Journal* (September 2019) Author
- Co-Author, "Towards A National Privacy Law," *Hillsborough County Bar Association Lawyer Magazine* (May - June 2019)
- Co-Author, "Anti-Tattoo Policies May Trigger Title VII Liability," *Hillsborough*

*County Bar Association Lawyer Magazine* (November - December 2018)

- Cybersecurity, Privacy and Data Protection Alert: A Guide to Protecting Your Data - (January, 2019)
- Author, "Eleventh Circuit Upholds Dreadlocks Ban in the Workplace," *Hillsborough County Bar Association Lawyer Magazine* (January 2017)
- Co-Author, "You've Been Hacked, and Now You're Being Sued," *The Florida Bar Journal* (July/August 2016)
- Author, "The Law of Employee Pay", *Climbing Business Journal* (April 2016)
- Author, "Spotting Employment Discrimination," *Climbing Business Journal* (February 2016)
- Author, "Florida Law Provides Businesses Civil Remedy for Hacking," *Hillsborough County Bar Association Lawyer Magazine* (January 2016)
- Co-Author, "BYOD Policies: Because There's More to Today's Phones Than Angry Birds," *IT-Lex Technology Law* (August 2013)
- Co-Author, "Litigating Litigation Holds: A Survey of Common Law Preservation Duty Triggers," 17 Fla. J. Tech L. & Poly 193-234 (2013)
- Author, "Facebook Comments are the New Virtual Water Cooler—With Accompanying NLRA Protections." *Lexology/Association of Corporate Counsel Newsstand* (December 2012)

***Speaking Engagements***

- "Solving the Privacy Puzzle in the Workplace," 13th Annual ABA Labor & Employment Law Conference (New Orleans, LA, November 2019) Speaker
- "The Law of Employee Pay: An Introduction to the FLSA and Wage & Hour Compliance," 13th Annual Climbing Wall Association Summit (May 2019)
- "Lessons from a Lawyer: How to Prevent, Spot, and Respond to Sexual Harassment and Discrimination in the Gym," 13th Annual Climbing Wall Association Summit (May 2019)
- Florida Bar Basic Transactional Law 2018: Basic Employment Agreements (April 2018)
- 6th Annual University of Florida eDiscovery Conference: The Critical Steps - (March, 2018)
- The Florida Bar 2018 Winter Meeting - (January, 2018)
- Phelps Dunbar & ACC West Central Florida Chapter CLE Luncheon - (November, 2017)
- ACC West Central Florida CLE Program Hosted by Phelps Dunbar - (June, 2017)
- The Florida Bar Basic Transactional Law 2016: Basic Employment Agreements - (March, 2016)
- "Florida's Increased Cyber Security Efforts and New Data Breach Law," Hillsborough County Bar Association Luncheon, Tampa, Florida (April 2015)
- Panel Speaker, "The Social Media Quick Peek: Early Data Assessment," University of Florida Levin College of Law's 3rd Annual Electronic Discovery Conference (March 2015) - (March, 2015)
- "Cyber Security & Risk Management," Financial Executives International, Tampa, FL (March 2015)
- Panel Speaker, "Getting Cloud Data from the New Big Three: Google, iCloud & MS Office 365," EDRM Webinar - (March, 2015)
- "Protecting Highly Sensitive Data in an Era of Cyber Attacks," Tampa, FL

(February 2015)

- "Social Media Discovery and Admissibility," Paralegal Association of Florida, Tampa, FL (February 2015)
- "How I Learned to Stop Worrying and Love Social Media," NALA Campus LIVE! Webinar (December 2014)
- "Getting Your Own House in Order First: An eDiscovery Pre-litigation Primer," 2014 Tampa Bay Paralegal Association Annual Seminar, St. Petersburg, Florida (November 2014)
- "Managing Data and Protecting Against Cyber Attacks," Association of Corporate Counsel West Central Florida Chapter, Tampa, FL (July 2014)
- "Targeted Collections: Get What You Need to Find the Story," University of Florida 2nd Annual Electronic Discovery Conference, Gainesville, FL (March 2014)
- "Weapons of Mass Discovery: Limiting ESI Exposure and Sanctions," ESI Roundtable, Birmingham, AL (August 2013)
- "Introduction to Litigation Holds," ESI Roundtable, Tampa, FL (March 2013)
- "Federal & Florida e-Discovery Amendments: What Do I Do Now?" ESI Roundtable, Tampa, FL (February 2013)

### **Memberships and Affiliations**

- The Florida Bar - Labor & Employment Section
- United States District Court, Middle District of Florida, Tampa Division - Grievance Committee (2017-Present)
- Hillsborough County Bar Association - Co-Chair of Labor & Employment Section (2017 - Present)
- Federal Bar Association
- Thirteenth Judicial Circuit Pro Bono Committee (2017-2018)
- USA Climbing (Provision of general *pro bono* services)
- USA Climbing - Risk Management Committee Chairperson
- University of Florida Law Alumni Council (Board Member)
- University of Florida Law Alumni "Bridge the Gap" (Mentor)
- IT-LEX (Former Vice President and Secretary-Treasurer)
- South Tampa YMCA, Youth Basketball Coach; Coaches Committee
- Tampa Connection Class of 2015
- University of Tampa Entrepreneurship Center (Provision of *pro bono* services)
- University of South Florida - Executive Advisory Committee (Cybersecurity), 2018

### **Recognition**

- *Tampa Bay Business Journal* - Up & Comers (2012)
- Selected to the Florida Super Lawyers Rising Stars list, *Super Lawyers* (Thomson Reuters), 2016-2019

## CYNTHIA N. SASS



Cynthia Sass has been specializing in employment law for nearly 30 years, is AV rated by Martindale-Hubbell and is a fellow of The College of Labor and Employment Lawyers since 2011. She founded the Sass Law Firm based in Tampa, Florida which employs five attorneys who exclusively practice labor and employment law, representing employees from both the private and public sectors. Nationally, her practice is recognized by U.S. News & World Report as a Best Law Firm in Employment Law for Individuals. Cynthia is listed by Florida Super Lawyers in the area of Labor and Employment Law, Top 50 Women Lawyers in Florida and as one of Lawdragon's 500 Leading Plaintiff Employment Lawyers. She is the Southeastern Regional Editor and Florida chapter co-author for *Employment at Will, A State-by-State Survey* published by BNA Bloomberg and the American Bar Association. Ms. Sass is also author of the chapter "Discovery and Deposing the Alleged Harasser and Defense Witnesses: Plaintiff's Perspective" for the 2019 TIPS book *Sexual Harassment and Retaliation: A Practical Guide for Plaintiff and Defense*.