



## Debra L. Weiss

### Partner

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📍 Minneapolis

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### Overview

For the past two decades, Debra has focused her practice in the area of employment litigation and counseling, where she regularly assists employers with all aspects of employment matters. She helps employers navigate through the complicated and often-technical myriad of state, federal and local statutes and laws impacting employment decisions from the hiring process to performance evaluations, discipline, and separations, as well as litigation arising from all of those stages. Debra also devotes a substantial part of her practice to financial and real estate professional litigation and advising.

### Employment Defense and Advising

Debra understands that business decisions are not always made in the courtroom and works diligently to design practical solutions that balance a company's legal compliance issues with its business objectives and goals in an evenhanded and creative manner. She also counsels companies and individuals on non-compete, non-solicitation, and trade secret matters, with a focus on the financial services industry and application of the "Protocol for Broker Recruiting." She frequently appears in court to move for or defend against motions for temporary restraining orders and injunctions seeking to enforce non-compete and other post-employment restrictive covenants.

She is well-equipped to assist you with:

- ◆ Litigating all facets of employment matters, including discrimination and harassment issues, in state and federal courts
- ◆ Handling administrative charges before state and federal agencies
- ◆ Counseling and advising employers on employment issues
- ◆ Prosecuting and defending non-compete agreements on behalf of companies and employees
- ◆ Conducting independent investigations of allegations of inappropriate employee behavior running the gamut of workplace issues including discrimination, harassment and improper business practices

### Services

- ◆ Commercial Litigation
- ◆ Employment
- ◆ Securities and Financial Services
- ◆ Professional Liability
- ◆ Real Estate

### State Bar Admissions

- ◆ Minnesota, 1998
- ◆ Wisconsin, 2008
- ◆ Iowa, 2014
- ◆ North Dakota, 2017

### Federal Court Admissions

- ◆ United States District Court, District of Minnesota, 1999
- ◆ United States Court of Appeals, Eighth Circuit, 2003
- ◆ United States District Court, Eastern District of Wisconsin, 2007
- ◆ United States District Court, Central District of Illinois, 2011
- ◆ United States District Court, Western District of Wisconsin, 2012

- ◆ Asserting and defending defamation claims, whistleblower claims, Fair Credit Reporting Act cases, employee privacy issues, and wage and hour matters

Debra's employment practice also extends to educational institutions, where she has represented public school teachers, private schools, public schools, online schools, and charter schools in a myriad of issues, including, but not limited to, harassment, discrimination, breach of contract, violation of data practices act and related issues. She also regularly serves as a hearing officer for expulsion matters around the Twin Cities and Minnesota. She has spoken at school law conferences in the past on employment and school-related topics as well.

### **FINRA and Securities Litigation Department**

As Chair of the firm's FINRA and Securities Litigation Department, Debra defends broker-dealers, registered representatives, and financial advisors in financial securities fraud and investment-related claims brought by customers in arbitration proceedings before the Financial Industry Regulatory Authority (FINRA, formerly NASD). She defends clients in customer disputes involving claims of unsuitability, misrepresentation, breach of fiduciary duty, and violations of state and federal securities laws. These cases involve claims of securities and common law fraud, churning, negligence, and due diligence. She also represents insurance companies and agents facing claims arising from the sale of life and disability insurance and annuity products.

In addition, Debra counsels financial professionals on the Broker's Protocol in their transition from one brokerage to another, providing consultation on non-compete and non-solicitation agreements, and defending those actions that result in litigation.

A leader in the firm, Debra serves as Co-chair of Meagher + Geer's Diversity, Equity, and Inclusion Committee. In addition, she is charged with leading the firm's Midsize Mansfield Rule Certification process. Debra also serves as the firm's Twin Cities Diversity in Practice (TCDIP) Member Representative, overseeing the firm's participation in the TCDIP First Year Summer Rotation Clerkship Program.

### **Education**

- ◆ Hamline University School of Law, J.D., *cum laude*, 1998
- ◆ University of Wisconsin – Madison, B.A., *cum laude*, 1995



### **Experience**

#### **Representative Cases**

- ◆ Defended medical clinic in suit alleging violations of the Minnesota Drug and Alcohol Testing in the Workplace Act. Won summary judgment in favor of the clinic.
- ◆ Successfully represented Wisconsin real estate brokerage firm through trial in a state court lawsuit alleging failure to disclose material adverse facts and fraud.

- ◆ Successfully represented Heating Air Ventilation Company through trial in Minnesota state court in a claim by former employee alleging race discrimination by association based on his wife's ethnicity.
- ◆ Defended charter school in suit brought by its former principal for wrongful termination and breach of contract. Won summary judgment in favor of the charter school at summary judgment level and at the Minnesota Court of Appeals.
- ◆ Defended medical testing company in federal district suit by former employee alleging assault, battery, false imprisonment, disability discrimination under the Minnesota Human Rights Act, breach of employment contract, intentional infliction of emotional distress, negligent hire, supervision and retention, and defamation, defamation per se and defamation by repetition. Won summary judgment based on the workers compensation exclusivity provision for the tort-based claims and dismissal of the other claims due to lack of sufficient evidence. Also won appeal to the 8th Circuit.
- ◆ Defended a manufacturing company against a claim by former employee for pregnancy discrimination. Won on summary judgment in favor of the company.
- ◆ Defended teacher of a public school to a successful summary judgment dismissal in a claim by former student alleging mistreatment of vulnerable adults.
- ◆ Defended public high school in claim by teacher that she was terminated based on marital discrimination by association for criminal acts committed by her husband.
- ◆ Defended private school in successful summary judgment order where the student's parents alleged disability discrimination for allowing his twin brother acceptance into the school but denying his entrance as a result of his muscular dystrophy condition.

## Professional Affiliations

- ◆ Minnesota State Bar Association
- ◆ Hennepin County Bar Association
- ◆ Minnesota Women Lawyers (MWL)
- ◆ MRA - The Management Association
- ◆ TeamWomen
- ◆ Diversity, Equity, and Inclusion Committee
  - ◇ Firm Co-chair
- ◆ Midsize Mansfield Rule Certification
  - ◇ Attorney Lead
- ◆ Twin Cities Diversity in Practice (TCDIP)
  - ◇ Member Representative

## Notable

### Accolades

- ◆ Awarded the highest possible Martindale-Hubbell Peer Review Rating, AV® Preeminent™ (AV is a registered certification mark of Reed Elsevier Properties Inc., used in accordance with the Martindale-Hubbell certification procedures, standards and policies)
- ◆ Selected for inclusion in The Best Lawyers of America® in the area of Litigation - Labor and Employment, 2022-2023

- ◆ Selected for inclusion in the Minnesota Super Lawyers® list in the area of Employment Litigation: Defense, Thomson Reuters, (only five percent of the lawyers in the state were selected), 2021-2022
- ◆ Selected for inclusion in the Minnesota Rising Stars list, Thomson Reuters, (Only 2.5 percent of the Minnesota attorneys are given this honor), 2005-2013
- ◆ Hamline Law Review, member (1996-1997)
- ◆ Hamline Law Review, Managing Editor (1997-1998)

## Speaking Engagements

- ◆ MRA 2020 Employment Law Update, Clearing the Smoke on Minnesota's Drug and Alcohol Testing Requirements in Light of Medical Marijuana, CBD Oils, and Lawful Consumables in the Workplace (March 2020)
- ◆ Marsh & McLennan Agency Construction Law Update 2020, Medical Marijuana: It's High Time to Figure it Out (February 2020)
- ◆ North Dakota Hospital Association Annual Convention, The Basics of FMLA (October 2019)
- ◆ Marsh & McLennan Agency Seminar, Sexual Harassment in the Age of #MeToo (September 2019)
- ◆ Southwest Metro HR Association , Challenges and Solutions for Employers in this New Era of Workplace Harassment in Light of the #MeToo Movement (May 2019)
- ◆ MRA Employment Law Update 2019, Challenges and Solutions for Employers in this New Era of Workplace Harassment: #MeToo or #NotUs? (March 2019)
- ◆ Panelist, Advent Employment Law Seminar (February 2019)
- ◆ North Dakota Hospital Association 84th Annual Convention, Sexual Harassment in the Age of #MeToo (October 2018)
- ◆ Lockton Companies, Sexual Harassment in the Age of #MeToo, More than Just a Hashtag (September 2018)
- ◆ MRA Employment Law Update Conference, How to Employ the Best Applicant (March 2018)
- ◆ North Dakota Long Term Care Association's Annual Convention, Weeding Out the Confusion: North Dakota's Medical Marijuana Law (May 2017)
- ◆ Boulay Accounting Firm Breakfast Seminar, Medical Marijuana: It's High Time to Figure it Out (July 2015)
- ◆ Society For Human Resource Management (SHRM), Minnesota SHRM Fall Conference, 2014 Employment Law Update (October 2014)
- ◆ Human Resource Professionals (HRP) Panel Discussion, Golden Valley Country Club, "Until Verdict Do We Part!" Creating and Fostering Strategic Partnerships Between HR Leaders and Legal Practitioners (October 2014)
- ◆ Lakes Area Human Resources Association, Addressing Mental Health Disabilities in the Workplace (March 2014)
- ◆ Society for Human Resource Management (SHRM), Minnesota SHRM Fall Conference, Addressing Mental Health Disabilities in the Workplace (October 2013)
- ◆ Southwest Metro Human Resources Association (SWMHRA), Dealing with Sales Representatives (October 2013)
- ◆ Human Resource Professionals (HRP), 2013 Spring Conference, Lawyer UP! Building A Successful Partnership with Outside Counsel (April 2013)
- ◆ Lightning Round Presentation on the Fair Labor Standards Act, 4th Annual Charter School Conference (August 2012)
- ◆ Southwest Metro Human Resources Association (SWMHRA), Cyberlaw 101: Get Your Head Out of the Cloud(s)! (April 2012)

- ◆ Preferred Resource Group (PRG), Understanding the FINRA Process and Tips to Help Minimize Risk (January 2012)
- ◆ Human Resource Professionals Edina Networking Group, Temps and Contractors: Reducing Legal Risks and Avoiding 'Co-Employment' Relationships (May 2011)
- ◆ Human Resource Professionals, 2011 HRP Spring Conference Sponsor (April 2011)
- ◆ Southwest Metro Human Resource Association (SWMHRA), Temps and Contractors: Reducing Legal Risks and Managing Alternative Work Relationships (January 2011)
- ◆ 2010 School Law Conference, Avoiding Legal Land Mines of the FMLA (November 2010)
- ◆ Human Resource Professionals (HRP), Avoiding Legal Land Mines of the FMLA (July 2010)
- ◆ American Association of School Personnel Administrators (AASPA), Avoiding Legal Land Mines of the FMLA (June 2010)
- ◆ Southwest Metro Human Resource Association (SWMHRA), Get Smart - Gaining Control Over the Actions of Departing Employees (January 2010)
- ◆ HR Roundtable Group, ADAA, COBRA and FMLA (March 2009)
- ◆ Meagher & Geer Breakfast Seminar, HR Do's and Don'ts (June 2008)
- ◆ HR Roundtable Group, Hot Topics in HR (March 2008)
- ◆ Minnesota Chapter of the American Mold Builders Association, Top Ten Ways to Avoid Costly Litigation (February 2008)

### Published Articles

- ◆ "How the Narrowing of the Definition of Health Care Provider Under the FFCRA Affects Health Care Providers" North Dakota Hospital Association, NDHA Informer (October 2020)
- ◆ "DHS Updates Form I-9 Review Requirements" Employment Law Update (April 2020)
- ◆ "Employer Obligations after FMLA Leave is Exhausted" Client Alert (August 2019)
- ◆ "New Wage Theft Law Affects Minnesota Employers" Client Alert (July 2019)
- ◆ "Sexual Harassment in the Age of #MeToo: What Minnesota Employers Need to Know" for MMA (April 2019)
- ◆ "Sexual Harassment in the Age of #MeToo: What North Dakota Employers Need to Know" North Dakota Medical Association, ND Physician (Winter 2019)
- ◆ "Understanding the Changes to Minnesota's Whistleblower Act -- Not So Clean as a Whistle" For MMA (January 2019)
- ◆ "Allocation Considerations in Employment Discrimination Settlements: The Taxing Details" The Hennepin Lawyer (July 2017)
- ◆ "The Affordable Care Act's Employer Mandate: Guide to Advising Large Employers" The Hennepin Lawyer (September 2013)
- ◆ "What Every Employer Should Know About Social Media" AASPA Best Practices in School Personnel (May, June, July 2012)
- ◆ Employment Law Updates newsletter (March 2008, May 2008)
- ◆ "The Sex Offender Registration and Community Notification Acts: Does Disclosure Violate an Offender's Right to Privacy?" 20 Hamline Law Review 557 (1998)