



The SPOKANE COUNTY BAR ASSOCIATION
Presents

DIVE INTO THE DEEP END: EMPLOYMENT LAW CLE

DECEMBER 1, 2021

Virtually via Cisco Webex

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|---------------------|---|
| 8:50 AM – 9:00 AM | <i>Welcome & Introduction</i>
Richard L. Mount of Witherspoon Kelley |
| 9:00 AM – 10:00 AM | <i>Caselaw Update</i>
William M. Symmes of Witherspoon Kelley |
| 10:00 AM – 11:00 AM | <i>Dealing with COVID in the Workplace under Washington state and Federal Regulations/Mandates</i>
Kimberly A. Kamel and Brittney C. Adams of Witherspoon Kelley |
| 11:00 AM – 12:00 PM | <i>Avoiding the Pitfalls of the Uniformed Services Employment and Reemployment Rights Act</i>
Michael J. Kapaun of Witherspoon Kelley |
| 12:00 PM – 1:15 PM | Lunch (on your own) |
| 1:15 PM – 2:15 PM | <i>Who is your Client and who holds the Privilege</i>
Sawyer R. Margett and Richard L. Mount of Witherspoon Kelley |
| 2:15 PM – 3:15 PM | <i>Washington State Long-Term Care Insurance and Exemptions</i>
Amy M. Mensik of Witherspoon Kelley |
| 3:15 PM – 4:15 PM | <i>Whose Money is it? - Service Charges with Tip Pooling</i>
Kimberly A. Kamel and Brittney C. Adams of Witherspoon Kelley |

SPEAKER BIOGRAPHIES

BRITTNEY C. ADAMS

Education:

- J.D., Seattle University School of Law, 2019, *cum laude*
- M.A, Women and Gender Studies, University of Lethbridge, 2017
- B.A, Political Science, University of Lethbridge, 2013

Brittney Adams works primarily in Witherspoon Kelley's Litigation practice group.

Prior to joining the legal profession, Brittney earned her Bachelor of Political Science and Master of Women and Gender Studies degrees from the University of Lethbridge in Alberta, Canada. Brittney graduated cum laude from Seattle University School of Law in 2019 and was also awarded the Outstanding Pro Bono Service award for her volunteer work with Choose 180, the Moderate Means Program, and If/When/How for Reproductive Justice.

While in law school, Brittney served as Managing Editor for the American Indian Law Review, qualified to compete in the San Diego Defense Lawyers Regional Mock Trial Competition, and served as a research assistant for three law professors on topics ranging from criminal law to immigration law. Brittney also spent time as a summer associate at Witherspoon Kelley in 2018 and served as an extern for the Honorable Julie McKay in 2019.

In her spare time, Brittney can be found running or biking on the Centennial Trail with her husband or visiting her family in Hawaii.

- Licensed in Washington and Montana

Highlights/Achievements/Awards:

- Kellye Testy Women's Law Caucus Scholarship Recipient (2019)
- King County Washington Women Lawyers Scholarship (2017)
- Alberta Education Graduate Citizenship Award (2014)

Bar Admissions:

- United States District Court, Eastern District of Washington
- Washington

KIMBERLY A. KAMEL

Education:

- J.D., Gonzaga University, 1999, cum laude
- B.A., University of California, Irvine, 1994

Kim Kamel works as a litigator in all areas of employment and labor law. Kim is panel counsel on EPLI claims and presents various training and employment services to clients. She also serves as Guardian Ad Litem on family law cases.

Kim represents clients in administrative and court litigation in Washington and Idaho. She has successfully defended business clients in Human Rights Commission complaints, unemployment and EEOC claims, and industrial insurance claims in federal and state courts in Washington and Idaho. Kim has extensive experience related to wage and hour claims, discrimination claims, and labor disputes and negotiations. She also counsels employers on day-to-day labor and employment issues.

- Licensed to practice in Washington and Idaho

One of fifteen labor and employment attorneys who frequently represent employers in all aspects of employment defense litigation, Kim also provides consulting services which include day-to-day advice regarding employment issues. She conducts investigations and provides training and compliance advice and advises management in labor negotiations. Kim's expertise includes the following areas:

- Harassment complaints
- ADAAA and FMLA issues
- FLSA litigation
- Unemployment and Labor and Industries benefits
- Discrimination and retaliation complaints
- Wrongful termination claims
- Wage and hour issues
- Unfair labor practices

Professional/Civic Activities

- Leadership Spokane, Board Member
- Northwest Autism Center, Board Member
- YMCA Board Member and Employee Committee
- US District Courts, Eastern and Western Districts of Washington
- US District Court, District of Idaho
- Spokane County Bar Association
- Idaho State Bar, Employment and Labor Law Section

MICHAEL J. KAPAUN

Education:

- J.D., University of Washington School of Law, Order of the Barristers, 2005
- B.A., Gonzaga University, magna cum laude, Distinguished Military Graduate, 2002

Mike's practice focuses on commercial and business litigation, banking, construction defects, and contract disputes. Mike has experience representing financial institutions in lawsuits involving money judgments and foreclosures. He also has significant experience in the architectural and construction industries, particularly in field of government contracting and fiscal law topics.

Mike joined Witherspoon Kelley in 2010 after more than four years as an attorney in the U.S. Army Judge Advocate General's Corps (JAG). Mike was assigned to the Chief Counsel's Military Honors Program for the U.S. Army Corps of Engineers in Washington, DC, where he specialized in government contracts, public procurement, domestic and overseas construction, and legislation. Mike continues to serve on a part-time basis in the Washington Air National Guard.

- Licensed to practice in Washington

Highlights and Achievements

- University of Washington School of Law, Moot Court Honor Board President, 2004-2005
- University of Washington School of Law, National Moot Court Appellate Advocacy Finalist; 1L Appellate Advocacy Champion, 2003-2005
- Designated a Super Lawyers "Rising Star", a designation of top rated practicing attorneys for 2015-2019

Professional/Civic Activities

- United States Supreme Court
- Washington State Bar Association
- Spokane County Bar Association
- Federal Bar Association, Eastern District of Washington
- United States District Court, Eastern District of Washington
- United States District Court, Western District of Washington
- Washington Defense Trial Lawyers
- Volunteer Soccer Coach, 2011-present
- Volunteer Baseball Coach, 2013-present

SAWYER R. MARGETT

Education:

- J.D., University of Washington School of Law, 2017
- B.A., Political Science & Criminal Justice, Gonzaga University, 2014, *cum laude*

Clerkship(s):

- Law Clerk, Honorable Tracey Wollenberg, Court of Appeals of the State of Alaska, 2017-18

Sawyer Margett works primarily in Witherspoon Kelley's Labor & Employment and Litigation practice groups.

Sawyer earned his Bachelor of Arts degree from Gonzaga University and then attended the University of Washington School of Law, where he joined both the Moot Court Honor Board and the Washington Journal of Environmental Law and Policy. During law school, Sawyer worked as an extern for Senior Judge Edward F. Shea in the U.S. District Court for the Eastern District of Washington and Senior Judge John C. Coughenour in the U.S. District Court for the Western District of Washington. Sawyer also worked as a Rule 9 intern at the Snohomish County Public Defender Association.

- Licensed to practice in Washington and Idaho

Bar Admissions:

- Washington State
- Idaho
- United States District Court, Eastern District of Washington
- United States District Court, Western District of Washington
- United States Court of Appeals for the Ninth Circuit

Highlights/Achievements:

- Washington Journal of Environmental Law and Policy, Executive Managing Editor
- Moot Court Honor Board, Board of Executives, Vice President of Technology
- Order of the Barristers, University of Washington School of Law

Professional/Civic Activities:

- Washington State Bar Association
- Gonzaga University Mock Trial
- VTLP Tax Preparer for the Alaska Business Development Center

AMY M. MENSIK

Education:

- J.D., University of Washington School of Law, 2011
- B.A., Washington State University, 2006, summa cum laude

Amy Mensik focuses her practice on labor and employment law, specifically, discrimination, retaliation, disability accommodation as well as employment-related corporate compliance, such as compliance with paid sick leave and other leave laws. In addition, Amy is experienced in commercial litigation.

Prior to joining Witherspoon Kelley, Amy worked in Seattle defending and representing various clients, insurers and industries in employment disputes. She is also a frequent presenter before businesses and HR professionals on employment law topics.

- Licensed to practice in Washington

Highlights/Achievements

- Named as a “Washington Rising Star”, Super Lawyers®, 2017-2020
- University of Washington School of Law: Washington Law Review, Chief Managing Editor (2010-2011); Editorial Staff (2009-2010), Moot Court: Champion, 1L Mock Trial Competition (2008); Best Speaker, 4th Place Overall, Unemployment Compensation Clinic Intern (2010-2011)
- Washington State University: Mock Trial Team: Member of first team to advance to national competition (2005-2006), College of Liberal Arts Outstanding Graduating Senior, History (2006), Student Legal Service Associate Director (2005-2006); Intern (2004-2005)

Professional/Civic Activities

- U.S. District Court, Western District of Washington
- U.S. District Court, Eastern District of Washington
- Secretary, Federal Bar Association, Eastern District of Washington
- Member, Greater Spokane Incorporated, HR Employment Law Policy Committee

RICHARD L. MOUNT

Education:

- J.D., Gonzaga University, 1985
- B.A., Brigham Young University, 1983

Rick Mount is an experienced advocate with expertise in various civil, criminal, and regulatory areas of the law. Having successfully represented both unions and employers in labor disputes and in employment discrimination / wrongful termination cases, Rick brings a unique experience to labor and employment law. Over the past 27 years, he has represented a diverse clientele in the areas of family law, unemployment law, personal injury litigation, criminal law defense, insurance defense, banking litigation and adversarial proceedings in Bankruptcy Court and the Federal District Court.

Rick is a former Deputy Prosecuting Attorney for Spokane County and currently serves as the Conflicts City Prosecutor for the City of Cheney, handling criminal matters in the Cheney Municipal Court and all appeals therefrom. He also practices in the area of Guardianship Law representing two large hospitals in the Spokane area. Handling guardianship for incompetent individuals that are in need of medical services both in and out of the hospital. Rick handles these matters from the initial petition for guardianship and appointment of a guardian ad litem to trial if necessary.

- Licensed to practice in Washington

Highlights & Achievements

- Smithmoore P. Myers Professionalism Award Recipient, 2019
- Author and presenter for legal seminars

Professional/Civic Activities

- Washington Initiative for Diversity, Board Member, 2019-Present
- West Plains Chamber of Commerce, Board Member, 2003-2007; 2016-Present
- Cheney Depot Society, Board Member, 2016-Present
- Eastern Washington University Foundation, Board Member, 2016-Present
- Cheney Planning Commission, Board Member, 2016-Present
- United States District Court Eastern District of Washington
- Spokane County Bar Association
- Washington State Bar Association, Family and Criminal Law Sections
- Federal Bar Association, Eastern District of Washington
- Cheney Public Schools, Board Member, 1996-2015
- Criminal Justice Act Panel Member

WILLIAM M. SYMMES

Education:

- J.D., Southern Methodist University, 1994, *cum laude*, Order of the Coif, Southern Methodist Law Review
- B.A., Economics and Political Science, Yale University, 1989

William Symmes (Bill) has over 26 years' experience as a Labor & Employment and Commercial litigation defense attorney. Bill has represented clients before a variety of state and federal courts and regulatory agencies, such as the Equal Employment Opportunity Commission (EEOC), the National Labor Relations Board (NLRB), and related state agencies. Bill also serves as panel counsel for a variety of insurance companies on EPLI, D&O, and Fiduciary claims. Bill often utilizes his experience to advise businesses and employers over various risk management strategies aimed to minimize litigation exposure.

- Licensed to practice in Washington, Idaho and Oregon

Highlights/Achievements

- AV rated Preeminent by Martindale-Hubbell, 2000-2020
- *Best Lawyers*® Lawyer of the Year, Litigation - Labor & Employment (Spokane) (2015, 2017)
- *Best Lawyers in America*®, Litigation- Labor & Employment (2013-2020)
- *Best Lawyers in America*®, Commercial Litigation (2013-2020)
- American Lawyer®, Top Labor & Employment Lawyer (2015-2019)
- Top Lawyers - *Spokane & Coeur d'Alene Living*, 2010-2019
- Recognized as a Pacific Northwest Best Lawyer for Labor & Employment, and Commercial Litigation (2015-16) as published in Seattle Times and Oregonian
- Superb Rating (No. 10) Avvo, 2010 to 2020

Bar Admission

- United States District Court, Eastern and Western Districts of Washington
- United States District Court of Idaho
- The United States Court of Federal Claims
- United States Court of Appeals, Ninth Circuit
- United States Court of Appeals, Federal Circuit
- Colville Tribal Court

Professional/Civic Activities

- Association of Washington Business - Board Member, 2017-Present
- Federation of Defense & Corporate Counsel - Member, 2018-Present
- Colmac Holding Company - Board Member and Corporate Secretary, 2011-Present
- Federal Bar Association for Eastern District of Washington - Past President, 2007-2008
- Greater Spokane Incorporated - General Counsel/Board Member, 2008-Present

- Lawyer Delegate from the Western Federal Districts To the Ninth Circuit Judicial Conference Executive Committee, 2010-2014
- Ninth Circuit Judicial Conference - Lawyer Representative/LRCC/Local Chair, 2007-2010
- Providence Healthcare Foundation - Board Member, 2006-2019
- Spokane County Court Judicial Liaison Committee - Member, 2005-Present
- Spokane County Bar Association - Officer and Board Member 2014-2019
- Spokane County Bar Association, Young Lawyers Division - Board Member, 1995-1998
- Washington State Bar Association (WSBA) Labor and Employment Law Section, Executive Committee and Treasurer, 2013- 2016
- Western Defense Trial Lawyers, Eastern Washington Representative - Board Member, 2015-Present