

## Arlene Switzer Steinfeld

Senior Counsel

### Dallas

Comerica Bank Tower  
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Suite 4200  
Dallas, TX 75201



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### Areas Of Practice

Labor & Employment  
Biotechnology and Life Science  
Health Care  
Pharmaceuticals & Medical  
Products  
Employment Litigation  
Litigation

### Industries

Energy Industry Group  
Dental Service Organizations  
Industry Group

### Bar Admissions

Texas  
District of Columbia  
New York

### Court Admissions

U.S. Court of Appeals, Fifth Circuit  
U.S. District Court, Northern  
District of Texas  
U.S. District Court, Eastern District  
of Texas  
U.S. District Court, Southern  
District of Texas  
U.S. District Court, Western  
District of Texas

### Education

Georgetown University Law  
Center, J.D., *magna cum laude*,  
Executive Editorial Board,  
*American Criminal Law Review*,  
1978

University of Rochester, B.A.,  
Social Psychology, *with  
Distinction*, 1975

Université de Montpellier, Faculté

Arlene Switzer Steinfield is Senior Counsel in Dykema's Labor and Employment Practice. With over 40 years of experience in representing management in labor and employment law, Ms. Steinfield is "a recognized name in the employment law community in Dallas" according to *Chambers USA 2016*. She litigates employment discrimination cases and workplace disputes in state and federal court, conducts employment law compliance training, counsels employers on preventative compliance strategies and proposed personnel actions, and appears frequently on behalf of employers before numerous administrative agencies including the Equal Employment Opportunity Commission, the Department of Labor Employment Standards Administration, the Texas Workforce Commission, and the National Labor Relations Board.

Ms. Steinfield's proactive approach to employee relations enables her clients to address employee disputes effectively. What distinguishes Ms. Steinfield is her ability to devise creative and practical strategies for resolving personnel disputes with minimal disruption to the employer's operations.

Ms. Steinfield represents clients from a wide range of industries, including retail, law firms and other professional service firms, financial services, oil and gas, dental service organizations, health care practice groups, hospitals, pharmaceuticals and medical devices, consumer products, real estate development, manufacturing, restaurants, hospitality, trucking, private schools, and recycling facilities. She also serves as an independent investigator of internal workplace harassment and discrimination complaints and suspected misconduct. She represents employers in arbitrations in both union and non-union settings. She is a trained mediator whose mediation practice emphasizes labor and employment law disputes.

In addition to her partnerships with law firms, she served as a staff attorney in the Division of Advice of the National Labor Relations Board in Washington D.C. from October 1978 to May 1979.

### Experience

- Federal and state court litigation of workplace disputes involving statutory claims and common law actions involving employment discrimination, retaliation and harassment; restrictive covenants, nondisclosure agreements, and the duty of loyalty; wrongful termination; breach of contract; workplace torts; public policy actions; whistleblower claims; claims to recover unpaid commissions and other compensation disputes; and other workplace dispute matters

des Lettres, Montpellier, France,  
1973-74

**Language**  
French

- Arbitrations in union and non-union settings
- Negotiation and drafting of severance agreements
- Negotiation and drafting of employment contracts and independent contractors agreements
- Planning and implementation of workforce reductions and reorganizations
- Training and advice regarding employment law compliance, including sexual harassment training and the development of preventative compliance strategies to minimize the risk of litigation
- Assistance with the development of personnel practices and policies and the drafting of codes of business conduct, employee handbooks, and employment forms
- Advice regarding worker classifications
- Internal audit of human resources practices and policies
- Advice regarding union organization campaigns and labor/management relations
- Advice regarding labor and employment law issues and strategies in corporate mergers and acquisitions

### **Representative Matters**

Convinced client's former employee and his new employer to enter into an agreed temporary injunction without a hearing on claims of breach of restrictive covenant and confidentiality clause in his employment contract

Summary judgment granted in favor of manufacturer on claims of religious discrimination and retaliation

Representation of a national retailer in the compliance phase of a nationwide consent decree negotiated with the EEOC to resolve sexual harassment and sex discrimination class actions

Jury verdict in favor of start-up company in workers' compensation retaliation state court trial

Resolution of vast majority of cases prior to trial through voluntary dismissal, summary judgment, involuntary dismissals on procedural and substantive grounds, and favorable settlements

Successful defense of major international law firm in workers' compensation retaliation lawsuit through summary judgment

Successful resolution of Fair Labor Standards Act collective action involving allegations of unpaid overtime to health care workers

Representation of national retailer in federal court lawsuit alleging national origin discrimination and various workplace torts. Plaintiff voluntarily dismissed all tort claims against corporate defendant and all claims against individual defendant. Remaining statutory claims against corporate defendant settled on favorable terms after jury selection

Summary judgment granted in favor of national retailer on claims of religious discrimination and failure to accommodate religious beliefs

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Summary judgment granted in favor of national air conditioning company on claims of disability discrimination and failure to accommodate alleged disability

Convinced plaintiff to voluntarily dismiss claims of discrimination against national air conditioning company following Motion to Dismiss shortly after lawsuit was filed

Motion to Dismiss granted in favor of national financial institute in race discrimination action

NASD arbitration panel granted Motion to Dismiss on claims of alleged reverse sex discrimination and retaliation in violation of Title VII and the Family and Medical Leave Act

Motion to Dismiss granted to drywall and plaster contractor on claims of FMLA interference and workers' compensation retaliation

Plaintiff in federal sexual harassment claim voluntarily dismissed all claims in early phase of discovery

Successful representation of three-plaintiff sexual harassment case against restaurant employer

Summary judgment granted to oil exploration company in federal court action alleging disability discrimination, promissory estoppel, and various tort claims

Representation of national can manufacturer in arbitration where Teamsters challenged sale of scrap cans as improper subcontracting; arbitrator found that no back pay was owed

Representation of national can manufacturer where Teamsters challenged staffing assignments on various assembly lines. Arbitrator denied grievance in its entirety

Successful representation of physician practice group in claims of discrimination by office administrator

Successful representation of members of physician practice group to negotiate departure of group partners

Successful representation of physician practice group in termination of employment of various staff members

## **Seminars & Speeches**

What's on the Horizon for Employers in 2019? A Review of Developments in 2018 and Emerging Issues in 2019  
April 16, 2019

*The Employee as Adversary: How to Address Claims of Discrimination, Harassment, and Retaliation by Current Employees*,  
Clear Law Institute  
June 6, 2018

*Is Your Practice at Risk of an Employment or Labor Lawsuit? Regulatory Compliance to Protect Your Practice With Internal Audits, Implants and Gum Care's Dental Study Club*  
April 24-25, 2018

*Not in My House – Preventing Harassment in the Workplace*, 11th Annual Dallas Arts Advocacy Day  
April 17, 2018

Proactive Measures for Employers in the #MeToo Era  
April 17, 2018

*DSO Employment Law Update*, Dykema's 4th Annual Definitive Conference for Dental Service Organizations, New Orleans, Louisiana  
June 16, 2017

*Retaliation and FLSA Collective Actions*, Grayson County Bar Association, Sherman, Texas  
January 25, 2017

*Labor and Employment Issues in the Dental Workplace*, Group Evolution Conference, Austin, Texas  
January 12, 2017

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*Critical Employment Issues Update for DSO Affiliated Dental Practices*, Dykema's 3rd Annual Definitive Conference for Dental Service Organizations  
June 16, 2016

Navigating the DOL's Overtime Exemption Regulations—Dallas  
June 8, 2016

*Are you planning for the new overtime exemption rules? You should be.*  
March 31, 2016

*The Judge's Perspective*, Panel Moderator, College of Labor and Employment Lawyers Fifth Circuit Regional CLE Conference, New Orleans, Louisiana  
March 19, 2016

*Fantasy Football in the Workplace: Team Building Activity vs. Drain on Productivity?*, Dallas Bar Association, Dallas, Texas  
February 15, 2016

*Avoiding Retaliation Claims by Current Employees*, Clear Law Institute, Webinar Presentation  
September 23, 2015

*When an Employee Sues the Boss: Managing the Legal Risks of Retaliation Claims and Other Workplace Headaches*, Commercial Law WebAdvisor Webinar  
October 30, 2014

*Employee Retaliation Claims: Growing Litigation Threat*, Strafford Publications Webinar  
August 21, 2012

*What Bankruptcy Lawyers Should Know About the WARN Act*, Dallas Bar Association Bankruptcy & Commercial Law Section, Dallas, Texas  
May 2, 2012

*Supreme Court Update on Workplace Retaliation and Effective Retaliation Litigation Strategies for Employers*, Dallas Bar Association Labor and Employment Section, Dallas, Texas  
July 18, 2011

*EEO in the Crossfire*, Puerto Rico Association of Labor Relations Practitioners, San Juan Puerto Rico  
November 11, 2010

*Top 10 Mistakes Employers Make Under the FMLA*, North Texas Society for Human Resources Management, Denton, Texas  
October 28, 2008

*Reductions in Force: Strategies to Minimize Litigation Risks in Downsizing*, Dallas Bar Association North Dallas Clinic, Dallas, Texas  
March 14, 2008

*Workplace Investigations*, ABA Section of Labor and Employment Law Annual CLE Conference, Philadelphia, Pennsylvania  
October 8, 2007

*Ethical Issues in the Representation of Multiple Parties*, 24th Annual Georgetown University Law Center's Employment Law and Litigation Institute, Washington, D.C.  
April 6, 2006

*Conducting Effective Investigations: A Practical Guide*, 23rd Annual Georgetown University Law Center's Employment Law and Litigation Institute, Washington, D.C.  
April 22, 2005

## Publications

Justices Highlight Importance Of Title VII Procedural Details  
June 11, 2019  
*Law360*

Arlene Switzer Steinfield (Cont.)

"Exploring EEOC Charge Questions At High Court"

May 1, 2019

*Law360*

"At Rosh Hashanah, Civil Discourse is Alive and Well"

October 4, 2018

*Texas Jewish Post*

"Examining The EEOC's Broad Interpretation Of Title VII"

March 11, 2016

*Law360*

"Medical Practices Must Be Careful When Firing Incompetent Staff"

November 19, 2014

*Physicians News Digest*

"Unpaid internships an unseen liability"

September 22, 2014

*Inside Counsel/Labor & Employment Digest*

"Dealing With Employees Who Are Suing Your Company"

August 19, 2014

*Corporate Counsel*

## News

Arlene Steinfield Quoted in *SHRM* Article on Retaliation Lawsuits

August 8, 2017

Arlene Steinfield Suggests Responses to Discrimination Charges in *Dentist's Money Digest* Interview

July 24, 2017

Arlene Steinfield Addresses Dental Industry Labor Issues in *Dentist's Money Digest* Interview

June 20, 2017

Arlene Switzer Steinfield Quoted in *SHRM* Story of PA Ruling on Sexual-Orientation Discrimination

November 10, 2016

Arlene Switzer Steinfield Quoted in *Employment Law360*

September 7, 2016

Arlene Switzer Steinfield Quoted in *SHRM* Article on EEOC Sexual Orientation Case Settlement

July 12, 2016

Arlene Switzer Steinfield Organizes College of Labor and Employment Lawyers' 5th Circuit Regional Program

April 28, 2016

Arlene Switzer Steinfield Quoted in *SHRM*

March 16, 2016

*Law360* Republishes Arlene Switzer Steinfield's EEOC Blog

March 14, 2016

Arlene Switzer Steinfield Quoted in *Business Insurance* Article on Recent EEOC Cases

March 9, 2016

Arlene Switzer Steinfield Quoted in *Society for Human Resource Management* Article

November 12, 2015

Arlene Switzer Steinfield Authors Article for *Physicians News Digest*

December 2, 2014

Arlene Switzer Steinfield (Cont.)

Arlene Switzer Steinfield Contributes to *InsideCounsel* Labor & Employment Digest  
September 22, 2014

Arlene Switzer Steinfield and Andrew Peters Co-Author Article for *Corporate Counsel*  
August 19, 2014

Five Dykema Attorneys Named “Best Lawyers in Dallas” by *D Magazine*  
May 9, 2014

## Blog Posts

Justices Highlight Importance Of Title VII Procedural Details

DOL Finally Proposes New White Collar Exemption Regulations

Good News for Employers: Additional EEOC Reporting Requirement on Pay Information Has Been Put on Hold Indefinitely

EEOC Files Landmark Lawsuits Alleging Sexual Orientation Discrimination

OSHA Provides Interim General Guidance for Workers and Guidance for Workers in Fields at Increased Risk of Ebola Exposure

Retaliation under Title VII: A Three-Year Gap Is Not Enough to Refute Causation Under Certain Circumstances

## Memberships & Involvement

Fellow, Texas Bar Foundation

Fellow, Dallas Bar Foundation

Fellow, American Bar Foundation

American Bar Association: ABA Section of Labor and Employment Law, Employer Co-Chair, Sponsorships, Donors and Grants Taskforce, 2009-2011; ABA Section of Labor and Employment Law Annual CLE Conference, Employer Co-Chair, 2009, Employer Vice Chair, 2008, Segment Producer, 2007; Member, Section of Labor and Employment Law, Equal Employment Opportunity Committee

Member, American Employment Law Council

Member, State Bar of Texas, Labor and Employment Law Section

Member, Dallas Bar Association and Employment Law Section

Chapter Monitor, Chapter on Sex Discrimination, First Supplement to Fifth Edition of Employment Discrimination Law (BNA), and Chapter on Sexual and Other Forms of Harassment, 2009 and 2010 Cumulative Supplements to Fourth Edition

## Community/Civic Activities

- TITAS (Texas International Theatrical Arts Society) Presents, 2012-Present; Vice President – Nominations and Governance, 2018-Present
- The Greenhill School, Trustee, 2006-2012
- Anti-Defamation League, Dallas Regional Board, Member, 2009-2011
- Georgetown University Law Center Alumni Admissions Program, Interviewer, 2010-Present
- Jewish Federation of Greater Dallas Vice President, 1999-2003
  - Member, Executive Committee, 1996-2005
  - Member, Board of Directors, 1996-2006
  - Past Chair, Planning & Allocations Committee, 1997-1999
  - Founding Member of Cardozo Society

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- Dallas Jewish Community Foundation  
Member, Board of Directors, 1999-2003  
Member, Executive Committee and Trustee, 1992-1994  
Chair, Distribution Committee, 1992-1994

## Awards & Recognition

College of Labor and Employment Lawyers: Treasurer, 2019; Member, Board of Governors, 2014–Present; Fellow, Inducted in 2005; Co-Chair, Strategic Planning Committee, 2016–Present; Member, Regional Activity Committee, 2013-2016; Chair, Fifth Circuit Credentials Committee, 2010–2013; Member, Fifth Circuit Credentials Committee, 2008–2009; Member, Oral History Project; Treasurer-elect, 2019

Recognized in *D CEO Magazine's The Dallas 500* for Law-Labor and Employment, 2017–2019

Recognized in *The Best Lawyers in America*®, Employment Law - Management, and Litigation - Labor and Employment, 2003-Present. Copyright 2015 by Woodward/White, Inc., Aiken, SC

Recognized in *Chambers USA*, as a Leader in Their Field, Labor and Employment, 2007–2016

Recognized as a Best Lawyer for Labor & Employment Law, by *D Magazine*, 2012–2016

Recognized as one of the "Top 100 Lawyers in Texas," *Texas Super Lawyers*®, 2011

Recognized as one of the "Top 100 Lawyers in Dallas/Fort Worth," by *Texas Super Lawyers*®, 2011–2013

Recognized as one of the "Top 50 Women Lawyers in Texas," *Texas Super Lawyers*®, 2010–2013, 2015, 2017

Recognized in *Texas Super Lawyers*® for Employment & Labor, Employment Litigation, Alternative Dispute Resolution, and Civil Litigation: Defense, 2003–Present

Recipient of Martindale-Hubbell® AV® Preeminent™ Peer Review Rating 1994–Present

Recipient of Martindale-Hubbell® Bar Register of Preeminent Woman Lawyers™, 2013, 2014

Recognized as one of "The Best Women Lawyers in Dallas," *DMagazine*, 2010

Recognized in "*U.S. News-Best Lawyers*®," 2014  
Tier 1 Dallas, Litigation - Labor & Employment  
Tier 2 Dallas, Employment Law - Management

Recognized as one of the "The Best Lawyers: Labor and Employment", by *Corporate Counsel*, 2004–2010