



## Timothy J. Downing

PARTNER  
*Co-Chair, Diversity Committee*

### CONTACT INFORMATION

#### **Cleveland Office**

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### PRACTICES / INDUSTRIES

#### **Litigation**

Banking & Commercial Litigation  
Complex Business  
Construction Litigation  
Employment & Labor  
Governance Disputes and D&O Litigation  
Trade Secrets/Unfair Competition/Non-Competes

#### **Business**

Corporate Governance  
Employment & Labor  
Executive & Incentive Compensation  
Nonprofit

#### **Government Regulation**

Public Law

#### **Real Estate**

Construction

#### **Financial Services**

Banking & Commercial Litigation  
Employment & Labor

### AREAS OF CONCENTRATION

Employment and Labor Law  
Wrongful Discharge Claims  
Business Litigation  
Trade Secrets

### EDUCATION

Allegheny College (B.A., with honors  
1985)  
Case Western Reserve University  
(J.D., 1988)

### AT A GLANCE

Tim has spent over 20 years establishing and cultivating close, personal and professional relationships with elected and appointed government officials at every level of government. Those relationships have allowed him to successfully assist numerous businesses, not-for-profits and individuals in crafting legislation introduced in the United States Congress and the Ohio General Assembly, opening doors for businesses at the Ohio Statehouse, in Ohio Governor's office and the offices of his cabinet on regulatory matters, and in obtaining millions of dollars in state funding for plant upgrades and real estate development projects.

### REPRESENTATIVE EXPERIENCE

Tim's recent representative experience is as follows:

- Developed and implemented a strategy to significantly amend a piece of legislation pending before the United States Congress for a Northeast Ohio chemical manufacturer which, if enacted as introduced, would have either forced the client to spend tens of millions of dollars to convert its plant to use a different manufacturing process or shut its doors by 2012, thus putting hundreds of employees out of work. Through Tim's relationships with members of Congress, members of the Committee addressing legislation and the sponsor of the bill, he successfully was able to get the bill amended.
- Helped a Southwest Ohio manufacturer of packaging products in trying to obtain hundreds of thousands of dollars in financing from the Ohio Department of Development to upgrade their facilities.
- Assisted a national real estate developer to obtain hundreds of thousands of dollars in tax credits for a project it is building in Northeast Ohio.

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## REPRESENTATIVE EXPERIENCE (Continued)

- Obtained favorable interpretations of certain state and federal health regulations for an Ohio provider of transportation services to the elderly.

## HONORS & DISTINCTIONS

AV Rated - Martindale-Hubbell

Named an "Ohio Super Lawyer" in a survey of Ohio lawyers by *Law & Politics* and *Cincinnati* magazines (January 2004; January 2005)

Selected as a "Leading Lawyer" in Northeast Ohio in a survey of lawyers by *Inside Business* magazine (December 2001-2010)

## PUBLICATIONS & PRESENTATIONS

### Publications

"Saint or Sinner: Where to Draw the Line on Religion in the Workplace," *Council on Education Management's Preventing Employment Law Problems in the Ohio Workplace* (October 2003)

"How to Lawfully Conduct an Internal Investigation," *Ulmer & Berne Employment Law Letter, Vol. XIII, Issue 2* (Summer 2001)

"Emerging Law on Sexual Orientation and Employment," *Vol. 3/4 University of Memphis Law Review 3/4* (Spring/Summer 2000)

"Employer Drug and Alcohol Policies: Consistent Enforcement is the Key," *Ulmer & Berne Employment Law Letter, Vol. IX, Issue 1* (Spring 1997)

"Brief of the Ohio Human Rights Bar Association, et al., as Amice Curiae in Support of Petition for Writ of Certiorari to the United States Supreme Court", in the case entitled *Equality Foundation of Greater Cincinnati, Inc., et al. v. The City of Cincinnati, et al.* (September 11, 1995)

"Does the Decision in Adarand Constructors Sound the Death Knell for All Affirmative Action Programs?," *Ulmer & Berne Employment Law Letter, Vol. VII, Issue 2* (Fall 1995)

"Hearings on Gays in the Military a Sham", *New York Times* (May 12, 1993)

### Presentations

"The Proposed Federal Employment Non-Discrimination Act: What it Says, What it Does and Who It Protects," Ohio State Bar Association (May 2009)

Midwest Regional Diversity Summit, American Bar Association (April 2009)

Frequent lecturer at American Bar Association meetings on a wide variety of employment law topics

Frequent teacher of Continuing Legal Education programs on employment and business law topics

"Note to Self on Employee References: Damned If You Do and Damned If You Don't," Panelist, ABA Section of Labor and Employment Law Employment Rights and Responsibilities Committee Midwinter Meeting (March 2007); Named a "Best of" presentation by the American Bar Association (Summer 2007)

"Enforcement and Rejection of Employment Agreements and Collective Bargaining Agreements in Bankruptcy," Cleveland Bar Association - Bankruptcy and Commercial Law Section and the Labor and Employment Law Section (June 2006)

"Are Chronically Sick and Tardy Employees Costing you Money?" Ulmer & Berne Employment & Labor Law Breakfast Forum (January 2006)

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## PUBLICATIONS & PRESENTATIONS (Continued)

### Presentations

Debate on Same-Sex Marriage, Panelist with Ohio State Representative William Seitz and Cleveland-Marshall Law School Professor Susan Becker, The City Club of Cleveland (2004)

"Professional Responsibility and Professionalism", Presenter, Northeast Ohio Chapter, American Association of Corporate Counsel Association Seminar, Cleveland-Marshall College of Law (2000)

"Symposium on Current Issues in Labor and Employment Law", Presenter, University of Memphis School of Law (2000)

"From Mental Disabilities to Managed Diseases: Measuring the Impact of Invisible Disabilities in the Workplace", Presenter (1998)

"AIDS and the Law", Presenter, St. Augustine Manor Annual Program for Health Care Providers (1997)

"Employment Law: What Every Employer Should Know", Presenter, Ohio Human Rights Bar Association (1996 and 1997)

"Reinstate, Accommodate or Terminate", Presenter, Politics & Policies: Issues for Management in Employment and Environmental Law (1995)

## PROFESSIONAL AFFILIATIONS

American Bar Association (*Labor and Employment Law Section, Employee Rights and Responsibilities Committee, 1999-present*)

Ohio State Bar Association (*Advisory Council on Diversity Initiatives; Council of Delegates 2005-2007; District 12 Representative, Litigation Section Board of Governors, 2004-2007; Legal Ethics and Professional Conduct Committee, 1995-present*)

Cleveland Metropolitan Bar Association (*Labor and Employment Law Committee*)

Eighth District Judicial Conference (*Life Member*)

Ulmer & Berne Employment Law Letter (*Co-Editor, 2000-2005*)

## COMMUNITY INVOLVEMENT

Ohio Commission on Local Government Reform (*Member*)


Human Rights Campaign, Washington, D.C. (*Member, Board of Directors, 2003-present; Public Policy Committee, 2003-present; Major Donor Committee, 2002-present; Board of Governors, 1998-2003; National Northern Region Co-Chair, October 2001-October 2003*)

Cleveland Film Society, Cleveland, Ohio (*Board of Directors, 1997-present; President, June 2001-June 2004; Co-Chair, Finance Committee June 2001-June 2002; Programs and Outreach Committee 1998-June 2001*)

Great Lakes Theater Festival (*Board of Trustees, July 2005-present; Executive Committee, January 2009-present; Finance Committee, January 2009-present*)


Diversity Center of Northeast Ohio (*Member, Board of Directors, 2007-present; Chair, Board Governance Committee, December 2007-present; Human Resources Committee, June 2007-present; Strategic Planning Committee, December 2007-present*)

Ohioans for Growth and Equality (*Founder and President, 2002-2004*)



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## ADMISSIONS

State of Ohio  
Commonwealth of Pennsylvania  
U. S. Court of Appeals, Third Circuit  
U. S. Court of Appeals, Sixth Circuit  
U. S. Court of Appeals, Federal Circuit  
U. S. District Court, Northern District of Ohio  
U. S. District Court, Western District of Pennsylvania