

# Timothy J. Downing

Chief Diversity Officer | Senior Counsel



216.583.7142  
1660 West 2nd Street,  
Suite 1100  
Cleveland, OH 44113-1406  
tdowning@ulmer.com

## Practices/Industries

- Complex Business Litigation
- Employment & Labor Litigation
- Trade Secrets/Unfair Competition/Non-Competes

## Education

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

## Overview

As a nationally recognized problem solver and longtime champion of diversity and inclusion, Tim serves in dual roles at the firm: as a fierce advocate for clients and as Chief Diversity Officer. As an advocate, he focuses his practice on complex business and employment and labor litigation, helping companies resolve conflicts with their customers and competitors in the board room, in court, and in the halls of Congress. He also helps clients develop and implement policies to attract the best and the brightest employees, protect their confidential information, and resolve conflicts with employees who claim to have been discriminated against on the basis of age, race, sex, disability, sexual orientation, or gender identity.

As Chief Diversity Officer, Tim helps to support Ulmer's successful diversity and inclusion initiatives, and works to increase the firm's internal and external diversity and inclusion programming and community involvement, while overseeing its implementation and execution. Tim has worked to promote diversity and inclusion throughout his career, serving in several leadership roles with local and national civil rights organizations including the Human Rights Campaign, the Diversity Center of Northeast Ohio, and Ohioans for Growth and Equality. Tim has been continuously named to the Ohio Super Lawyers list and *The Best Lawyers in America*® in Litigation – Labor and Employment Law.

## Experience

- Currently representing a technology company in a claim alleging theft of trade secrets and confidential information.
- Successfully represented an international mining company in a multimillion dollar breach of contract case that alleges fraudulent concealment and negligent misrepresentation.
- Successfully represented an international banking institution in a claim brought by a receiver alleging negligence, breach of fiduciary duty, fraud, conversion, and civil conspiracy.
- Successfully represented a large manufacturer of chemical products in a non-compete case.
- Successfully defended one of the nation's largest commercial roofing contractors in a multimillion dollar claim alleging breach of contract, breach of fiduciary duty, and alter-ego liability.
- Successfully defended a Fortune 1000 corporation in a multimillion dollar breach of contract/breach of fiduciary duty claim.
- Successfully defended an international banking institution in seven separate cases charging race and gender discrimination.
- Testifies before and lobbies members of the U.S. Congress and state legislatures on behalf of a roster of large and small business clients, individuals, and advocacy organizations.
- Involved in a case concerning a manufacturing company's critical participation in an industry tradeshow when days before the event they were sued and served with a Motion for Temporary Restraining Order.

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## Presentations

- “Coming Out in the Workplace,” Chicago Bar Association Seminar (December 2020)
- “Transitions in Civil Rights: Judicial and Legislative Efforts to Increase Protections for Transgender Individuals,” panelist, Ulmer, Transgender Issues in the Workplace Seminar (April 2019)
- “Using Social Media During These Turbulent Times: Lawyers, Be On Guard!” Nationwide CLE Series (September 2017)
- “LGBT Issues in the Workplace,” Panelist, Northeast Ohio Chapter of the Labor & Employment Relations Association (September 2016)
- “A New Day for Overtime and Social Media: Policies and Best Practices for New Overtime Rules and Social Networks at Work,” Eaton CLE Series in Partnership with the Northeast Ohio Chapter of the Association of Corporate Counsel (September 2016)
- “Nationwide CLE Series Presented by Ulmer & Berne,” Moderator, Nationwide Main Campus (August 2016)
- “Defending Whistleblower and False Claims Act Cases,” Columbus Bar Association 2015 Health Care Fraud and Abuse Symposium (May 2015)
- “Gay Marriage and Workplace Equality,” Panelist, The German Marshall Fund of the United States, Federal Reserve Bank of Cleveland (October 2014)
- “A Conversation on Marriage Equality After Windsor,” The Northeast Ohio Chapter of the American Constitution Society (August 2014)
- “The End of DOMA. Now What?,” City Club Friday Forum (August 2013)
- “Supreme Court Term Review,” American Constitution Society for Law and Policy (August 2013)
- “Lawyers Without Rights: The Erosion of the Rule of Law in Today’s World,” Panelist, Cleveland Metropolitan Bar Association (May 2012)
- “The Business Necessity of Diversity and Inclusion,” Federal Reserve Bank of Cleveland (June 2012); Cleveland Metropolitan Bar Association’s 11th Annual Labor and Employment Conference (June 2011)
- “How Policies, Laws and Ordinances (or the Lack Thereof) Impact Morale, Performance and Retention of LGBT Employees,” 47th Annual Midwest Labor & Employment Law Seminar (October 2010)
- “LGBT Issues in the Workplace,” 10th Annual Cleveland Metropolitan Bar Association Labor & Employment Law Conference (January 2010)

## Involvement

### 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, 2010-2011; Council of Delegates, 2005-2007; District 12 Representative, Litigation Section Board of Governors, 2004-2007; Legal Ethics and Professional Conduct Committee, 1995-2009*)
- Cleveland Metropolitan Bar Association (*Judicial Qualifications Committee; Labor and Employment Law Committee; Diversity Action Committee*)
- Cleveland Metropolitan Bar Foundation (*Fellow 2011-present*)
- Eighth District Judicial Conference (*Life Member*)

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## Involvement (Cont)

### Community Involvement

- Human Rights Campaign, Washington, D.C. (*Co-Chair, Emeritus Council, 2015-March 2021; Co-Chair, Board of Directors, October 2010-2013; Member, Board of Directors, 2003-2013; Public Policy Committee, 2003-present; Finance Committee, 2010-2013; Board of Governors, 1998-2003; National Northern Region Co-Chair, October 2001-October 2003*)
- Cuyahoga County Commission on Human Rights (*Commissioner, February 2019-March 2021*)
- Allegheny College Alumni Council (*Trustee, 2018-present*)
- Ohio Commission on Local Government Reform and Collaboration (*Member, 2008-2010*)
- Cleveland International Film Festival (*Board of Directors, 1997-present; President, June 2001-June 2004; Co-Chair, Finance Committee, June 2001-June 2002; Executive Committee, June 2004-present*)
- Great Lakes Theater (*President, Board of Trustees, July 2016-present; Board of Trustees, July 2005-present; Executive Committee, 2010-present; Chair, Audience Development Committee, July 2010-present*)
- Diversity Center of Northeast Ohio (*Member, Board of Directors, 2007-2011; Chair, Board Governance Committee, December 2007-2011; Human Resources Committee, June 2007-2011; Strategic Planning Committee, December 2007-2011*)
- Cleveland Metropolitan Bar Association The 3Rs – Rights, Responsibilities, and Realities Program (*High School Classroom Volunteer, 2017-present*)
- Ohioans for Growth and Equality (*Founder and President, 2002-2004*)

### Firm Involvement

- Chief Diversity Officer

### Honors & Distinctions

- Named to *The Best Lawyers in America*, Litigation - Labor and Employment (2015-2021)
- Named to the Ohio Super Lawyers list (2004; 2005; 2011-2021)
- Named a Diversity Leader by Profiles in Diversity Journal (2020)
- Named to the National Law Journal's Equality Trailblazers (2019)
- AV Preeminent® Peer Review Rated – Martindale-Hubbell®
- Named a "Leading Lawyer" in Northeast Ohio in a survey of lawyers by *Inside Business Magazine* (December 2001-2011\*) \*2011 final year of survey
- Named one of Cleveland's "Top Rated Lawyers" and featured in a supplement in the Cleveland *Plain Dealer*, *The Wall Street Journal* and *The National Law Journal*

### Admissions

- State of Ohio
- Commonwealth of Pennsylvania
- U. S. Court of Appeals, Third Circuit
- U.S. Court of Appeals, Fourth Circuit
- U. S. Court of Appeals, Sixth Circuit

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## Admissions (Cont)

- U. S. Court of Appeals, Federal Circuit
- U. S. District Court, Northern District of Ohio
- U. S. District Court, Western District of Pennsylvania