

# Stephanie Dutchess Trudeau

Partner



216.583.7008  
1660 West 2nd Street,  
Suite 1100  
Cleveland, OH 44113-1406  
614.229.0056  
65 E. State Street, Suite 1100  
Columbus, OH 43215-4213  
513-698-5150  
600 Vine Street, Suite 2800  
Cincinnati, OH 45202-2409  
strudeau@ulmer.com

## Practices/Industries

- Employment & Labor Litigation
- Executive Compensation
- Trade Secrets/Unfair Competition/Noncompetes

## Education

The University of Toledo  
(B.A., *magna cum laude* and  
with college honors, 1978)  
DePaul University College of  
Law  
(J.D., 1982)

## Overview

Stephanie is an experienced trial lawyer with a winning record in jury trials and arbitrations and is a Board Certified Specialist in employment and labor law. She prosecutes and defends trade secrets and non-compete cases, and provides legal advice across the spectrum of employment law, including issues of termination, severance pay, executive compensation, wage and hour compliance, social media, medical marijuana, arbitration, discrimination, harassment, retaliation, whistleblower, leaves of absence, and all wrongful discharge theories.

Recognized for her talent, Stephanie has been named to BTI Consulting Group's *Client Service All-Stars*, listed in Chambers as a recognized practitioner, and named a "Notable Woman in Law" by Crain's Cleveland Business. She also has been named to *The Best Lawyers in America*® and as one of the Top 50 Women Attorneys in the state of Ohio and Top 25 Women Attorneys in Cleveland by Ohio Super Lawyers. Stephanie currently serves as President of the Cleveland Metropolitan Bar Foundation (CMBF) and as a CMBF Fellow and Trustee. She is also a Fellow of the Trial Lawyer Honorary Society of Litigation Counsel of America, and she previously served as Chair of the Cleveland Metropolitan Bar Association's Labor and Employment Law Section.

## Experience

- Trials and courtroom experience since 1982.
- Former law clerk to a federal judge in the U.S. District Court for the Northern District of Ohio.

## Representative Cases

### Trials and Arbitrations

- Won a whistleblower case by a unanimous verdict in a federal court jury trial that included allegations of sex and age discrimination, retaliation, wrongful discharge in violation of public policy, promissory estoppel, and breach of contract.
- Won a race discrimination and retaliation case by unanimous decision of a 12-person jury that returned a defense verdict after a seven-day trial.
- Won a \$2.8 million jury verdict following a trial in the U.S. District Court, Northern District of Ohio over a business dispute.
- Won dismissal of all claims against an energy company and electric utility and their employees involving claims of sexual harassment, discrimination, and retaliation.
- Won dismissal of a federal court lawsuit alleging discrimination, harassment, assault, and battery claims against an oil and gas production company.
- Won an arbitration of a business dispute involving sophisticated medical technology equipment and recovered in excess of \$1 million.

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## Representative Cases (Cont)

### Appeals

- *Colosi v. Jones Lang Lasalle*, 781 F.3d 293 (6th Cir. 2015)
- *Alden v. First Energy*, 2014 Ohio 3235 (Ohio Ct. App., Cuyahoga Cty, July 24, 2014)
- *Wanda Birch vs. Cuyahoga County Probate Court*, 392 F.3d 151, (6th Cir. 2004)
- *Angela M. Queener, et al. vs. Windy Hill*, Nos. 78067 & 78217, 2001 Ohio App. LEXIS 5742 (Ohio Ct. App., Cuyahoga County Dec. 20, 2001)
- *Clayton Lautner vs. AT&T*, No. 95-3756, 1997 U.S. App. LEXIS 1267 (6th Cir. Ohio Jan. 22, 1997)

### Advice & Counsel

- Counsels businesses of all sizes regarding avoidance of employment claims, preparation of employee policies and handbooks, compliance with the Americans with Disabilities Act (ADA), Title VII, Age Discrimination in Employment Act (ADEA), the FLSA, FMLA, Fair Credit Reporting Act (FCRA), Ohio's fair employment practices laws, privacy laws, and other federal and state statutes governing employment.
- Defends claims of harassment, retaliation, and discrimination on the basis of age, race, religion, sex, disability, national origin, whistleblower, violation of public policy, negligent hiring and retention, FMLA violations, and other wrongful discharge issues including breach of contract, denial of benefits, and just cause issues. Appears before agencies including the EEOC, OCRC, DOL, and OSHA.
- Counsels businesses on developing policies that align with current medical marijuana laws and other related workplace considerations.
- Defends directors and officers against claims of personal liability for business conduct.
- Litigates business cases including minority shareholder disputes, misappropriation of trade secrets, unfair competition, and other restrictive covenants, breach of contract, breach of warranty, breach of fiduciary duty, and tortious interference with business relationships.
- Conducts training on topics such as drug and alcohol testing, medical marijuana, pre-employment screening, background checks, the FCRA, and employee behavioral issues, including performance management, absenteeism, and attendance.
- Analyzes insurance coverage and litigates declaratory judgment actions in coverage disputes. Particular emphasis in claims arising from sexual molestation and other intentional assaults.

### Presentations

- "Medical Marijuana Employment Issues for Ohio Lawyers," Annual Meeting of Ohio Association of Civil Trial Attorneys (November 2018)
- "The Claim Has Been Filed, Now What," ADR: Best Practices Guide for Litigators and Neutrals, Cleveland Metropolitan Bar Association (October 2018)
- "Cross-Examination of the Disgruntled Witness and Trial Costs to the Prevailing Party Defendant," Litigation Counsel of America Symposium (December 2017)
- "How State Medical Marijuana Laws Impact the Workplace and Housing," Northeast Ohio Association of Corporate Counsel CLE Seminar (August 2017)

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## Presentations (Cont)

- “Medical Marijuana in the Workplace,” 17th Annual Northern Ohio Labor & Employment Conference (April 2017)
- “Privacy and Social Media in the Workplace,” 12th Annual Fundamentals of Employment Law (November 2014)
- “Winning Whistleblower Claims,” The Secrets of Winning (August 2014)
- “Hiring and Terminating (The Ins and Outs of Employment Law) Keeping Good Records,” Sterling Education Services 11th Annual Hiring & Terminating The Ins and Outs of Employment Law (November 2013)
- “Taking Leave of Confusion: Tackling Today’s Toughest FMLA Issues,” 50th Annual Midwest Labor and Employment Law Seminar (October 2013)
- The 12th Annual Northern Ohio Labor & Employment Law Conference, Seminar Co-Chair (May 2012)
- “Winning Personnel Policies and Employment Practices,” The Secrets of Winning (August 2010)
- “Managing Your Workforce Following a Reduction in Force” (May 2009)
- “Employee Discipline/Termination/Documentation Strategies Presented to Recovery Resources – Mental Health Agencies/HR Directors,” Cuyahoga County Community Mental Health Board (October 2008)
- “Employment Law Update in Ohio,” Sterling Education Services, Inc. (September 2008)
- “Sexual, Racial and Other Harassment in the Workplace,” and “Privacy in the Workplace and Conducting an Internal Investigation,” Employment Law Update in Ohio, Sterling Education Services (September 2008)
- “Winning Sexual Harassment Cases,” PriceWaterhouseCoopers General Counsel Forum (August 2006)
- “Litigation Landmines: Harassment, Pregnancy Discrimination and Termination,” Ulmer & Berne LLP Employment & Labor Law Seminar (May 2006)
- Lecturer, American Bar Association; Ohio State Bar Association CLE Institute; Council on Education in Management; Sterling Education Services; and other educational seminars
- “The Bermuda Triangle of Employment Law, The Deadly Intersection of FMLA, ADA and Workers’ Compensation,” Ohio State Bar Association CLE Institute (July 2003)
- “Hiring and Firing: How to Do It Right,” Sterling Education Services (May 2003)
- “Sexual Harassment Issues – Formulating and Communicating an Effective Harassment Policy,” Ohio State Bar Association CLE Institute (November 2001)
- “An Update in Employment Practice Liability Insurance” (EPLI), Society of Chartered Property and Casualty Underwriters, Cleveland Chapter (Cleveland CPCU Chapter) and Risk and Insurance Management Society (RIMS) (February 2001)
- “Effective Management of Sexual Harassment: Issues in the Workplace and Courtroom,” Ohio State Bar Association CLE Institute (November 2000)
- “Litigating Sexual Harassment Cases: Tips and Twists,” American Bar Association Annual Meeting (July 2000)
- “Documenting the Hiring Process,” Ohio State Bar Association CLE Institute (February 2000)
- “Sexual Harassment Update in the Wake of Oncale, Ellerth, Farragher and Kolstad,” Ohio State Bar Association CLE Institute (December 1999)

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## Presentations (Cont)

- “EEO Basics,” co-sponsored by the American Bar Association Section of Labor & Employment Law, the Labor Law Section of the Ohio State Bar Association in cooperation with the Equal Employment Opportunity Commission and the Ohio State Bar Association CLE Institute (September 1999)
- “Documenting the Hiring Process,” Ohio State Bar Association CLE Institute (February 1999 and March 1999)
- “Federal Practice and Procedure,” Ohio State Bar Association CLE Institute (January 1999)
- “Preparing for Scrutiny – Getting Anti-discrimination & EEOC Policies on Line with Latest in Discrimination Law & Enforcement,” Council on Education in Management, Personnel Law Update Seminar (November 1998)
- “Y2K (Year 2000) Liability Issues,” Federal Tax Update Presentation to Cleveland Chapter, Ohio Society of CPAs (November 1998)
- “High Tech Discovery: It’s Here Get Used To It,” 35th Annual Midwest Labor & Employment Law Conference (November 1998)
- “Motions in Limine (for the defense),” American Bar Association “A National Institute on Age Discrimination” (October 1998)
- “Technology’s Titanic,” Media Partner: Crain’s Cleveland Business, Seminar at the Forum, (September 1998)
- “Getting Employees Back to Work: Aggressive and Appropriate Responses to FMLA Leave,” Council on Education in Management, “Keeping your Workforce at Work: ADA, FMLA & Workers Comp” seminar; Ohio Conference Leader (September 1998)
- “Administering the FMLA for Proper Regulatory Compliance,” Council on Education in Management (September 1998)
- “Employment Agreements: The Good, The Bad & The Ugly,” Ulmer & Berne LLP Employment & Labor Law Seminar (June 1998)
- “When Averting Your Eyes Will Lose a Lawsuit: Steps You Must Take to Address Sexual Harassment,” Council on Education in Management, Ohio Conference Leader ‘s 13th Annual Ohio Conference (June 1998)
- “Getting Employees Back to Work: Aggressive and Appropriate Responses to FMLA Leave,” Council on Education in Management, Ohio Conference Leader (May 1998)
- “Administering the FMLA for Proper Regulatory Compliance,” Council on Education in Management Keeping Your Workforce at Work Seminar (May 1998)
- “And You Thought Health Care Law Was Changing – Look What’s Happened in Employment Law: An Overview of Current Developments in Employment Law Affecting Health Care Employers,” and “Hospital Horror Stories & Current Trends in Employment Law,” Cleveland Bar Association 14th Annual Health Care Law Institute (May 1998)
- “How to Conduct an Internal Investigation,” Cleveland Bar Association Practice and Procedure Clinic Employment Law (April 1998)
- “Getting Employees Back to Work: Aggressive and Appropriate Responses to FMLA Leave,” Council on Education in Management, Keeping Your Workforce at Work: ADA, FMLA & Workers’ Comp Seminar (March 1998)

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## Presentations (Cont)

- “How to Conduct an Internal Investigation,” Council on Education in Management, Ohio Conference Leader (February 1998)
- “Rotting Roses: Protecting Your Organization from the Escalating (and Expensive) Consequences of Sex and Violence in Today’s Workplace,” Council on Education in Management, Ohio Conference Leader, Personnel Law Update (November 1997)
- “Preliminary Issues/Response to Complaint,” Ohio State Bar Association CLE Institute, “Basic Equal Employment Opportunity Law & Procedure,” (September 1997)
- “Hot Issues and Changing Trends in Employment Law,” Ulmer & Berne LLP, Annual Employment Seminar/Golf and Tennis Outing (July 1997)
- “Labor and Employment Law Seminar,” Cleveland Bar Association (May 1997)
- “Sexual Harassment Myths Shattered by Recent Court Rulings,” Council on Education in Management, Personnel Law Update (May 1997)
- “Preliminaries and Defining the Employment Relationship,” Ohio State Bar Association CLE Institute, “Documenting the Hiring Process” (March 1997)
- “Controlling Attendance in Light of the ADA and FMLA,” Council on Education in Management, Personnel Law Update (March 1997)
- “Sexual Harassment,” Ulmer & Berne LLP Breakfast Forum Series (January 1997)

## Publications

- “The NLRB Returns to a Business-Friendly Independent-Contractor Test,” Ulmer & Berne LLP *Client Alert* (February 2019)
- “Medical Marijuana,” *Employment Law Strategist* (September 2017)
- “New Ruling: Despite Federal Law, Employers May Have to Accommodate Medical Marijuana Users,” Ulmer *Client Alert* (July 2017)
- “Summary Judgment: Defense Perspective,” Author of Chapter 11, *Litigating the Workplace Harassment Case*, published by the American Bar Association (2010)
- “ABA Treatise,” Contributor to Chapter 42, *Employment Discrimination Law, Third Edition* (1998, 2000, 2002 Cumulative Supplements)
- “Defense Perspective of Summary Judgment,” Author of Chapter 12, *Litigating the Sexual Harassment Case: A Guide for Plaintiff and Defense Attorneys*, published by the American Bar Association (2000)
- “How Your Opponent May Try to Limit Your Evidence,” Author of Chapter, *Age Discrimination Litigation*, published by James Publishing (2000)
- “Corporate Compliance Programs Are In Demand: Here's How to Design An Effective One,” *Law Department Management Advisor*, Issue 196 (2000)
- “Employment Discrimination Law,” Third Edition, 1998 Cumulative Supplement, published by the American Bar Association Section on Labor & Employment Law, Contributor to Chapter 42 (1999)
- “RN's Legally Speaking,” Contributor (1997)

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## Publications (Cont)

- “The Safety Management Handbook: A Guide for Facility Managers,” American's with Disabilities Act, *Technical Advisor* (1996)
- “Drug Testing Is Here To Stay,” *RN Magazine* (March 1993)
- “Responding to Requests for References,” *The Corporate Analyst* (November 1992)
- “Job Applicant’s HIV History a Thorny Issue,” *Plain Dealer* (August 1992)
- “Q & A on the ADA,” *Small Business News* (June 1992)
- “Responding to Requests for References Requires Balancing of Moral, Social & Legal Duties,” *Hospital Law Newsletter* (May 1992)
- “Employee Handbook Serves Workers, Firm,” *Crain’s Cleveland Business* (April 1992)
- “Employee Claims: When to Call Your Insurer,” *Employment Law Letter* (Winter 1992)

## Involvement

### Professional Affiliations

- Judicial Conference of the Eighth Judicial District (*Executive Committee of the Twenty-Third Judicial Conference of the Eighth Judicial District, 2017-2018*)
- Ohio Association of Civil Trial Attorneys, Employment Law Section (*Vice Chair, 2018*)
- Cleveland Metropolitan Bar Foundation (*President, 2018-present; Fellow and Trustee, 2013-present; Co-Chair “Rock the Foundation,” 2014-2017*)
- Litigation Counsel of America (*Fellow, 2017-present*)
- American Bar Association (*Vice Chair, Employer-Employee Relations Committee; Torts & Insurance Practice Section, 1997-2015*)
- Cleveland Metropolitan Bar Association (*Board of Trustees; Trustee, 2000-2003 term; Member, Division of Fees Mediation and Arbitration Committee 1992-present; Chair, Labor and Employment Law Section, 1996-1997; Chair and Presenter, Labor Law Institute, 1996; Labor Law Institute Presenter, 1992-1993; Corporation, Banking and Business Law Institute, 1993*)
- Litigation Counsel of America, Trial Lawyer Honorary Society (*Fellow*)
- Ohio State Bar Association (*Labor & Employment Specialty Board, 2016-present*)
- Ohio Women's Bar Association (*Past Member*)
- Federal Bar Association (*Past Member*)
- American Arbitration Association Commercial Advisory Council (2003-2006)
- U.S. District Court, Northern District of Ohio (*Alternative Dispute Resolution Panel, 1992-2015*)
- Cuyahoga County Court of Common Pleas Arbitrator (1985-1993)

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## Involvement (Cont)

### Community Involvement

- Cleveland Metropolitan Bar Association 3R's Program (*Volunteer teacher*)
- Ohio High School Mock Trial Competition (*Volunteer judge*)
- American Mock Trial Association, Cleveland Regional Undergraduate Mock Trial Tournament (*Volunteer judge*)
- Lawyers Guild
- Legal Aid Brief Advice Clinic (*Volunteer*)

### Honors & Distinctions

- BTI Consulting Group *Client Service All-Stars* (2019)
- Recognized Practitioner, Labor & Employment, Chambers USA: America's Leading Lawyers for Business, (2019)
- Named a "Labor & Employment Star" by Benchmark Litigation (2019)
- AV Preeminent® Peer Review Rated – Martindale-Hubbell®
- Named to *The Best Lawyers in America*, Litigation – Labor and Employment; Employment Law – Management; Labor Law - Management (2011-2020)
- Recognized as one of the Top 50 women attorneys in the state of Ohio and one of the Top 25 women attorneys in Cleveland by Ohio Super Lawyers (2007-2012)
- Named to the Ohio Super Lawyers list (2004-2019)
- American Arbitration Association National Roster of Neutrals (2003-present)
- "Notable Women in Law," *Crain's Cleveland Business* (2018)
- YMCA Women of Professional Excellence Award Recipient (2002)
- Named one of Central Ohio's Top Lawyers (2013-2017)

### Certifications

- Board Certified Specialist in Employment & Labor Law since 2001 when certification process first began in Ohio.

### Admissions

- State of Ohio
- U.S. Supreme Court
- U.S. Court of Appeals, Sixth Circuit
- U.S. District Court, Northern District of Ohio
- U.S. District Court, Southern District of Ohio