Barbara Jean D'Aquila

Partner

Minneapolis

t: 612.216.2743

Email

Service Focus

- Corporate Compliance and Governance
- Class and Collective Actions
- Employee Defection and Trade Secrets
- Employment Discrimination and Harassment
- Government Relations
- Litigation and Trials
- Wage and Hour
- Workplace Investigations

Industry Focus

- Financial Services
- Healthcare
- Manufacturing
- Retail

Overview

Barbara D'Aquila handles major business matters for employers, including class and significant multiple or single plaintiff litigation, counseling, corporate investigations, C-Suite employment issues, and other high-profile concerns. Known for trying cases, Barbara has litigated in federal and state courts and arbitrations throughout the U.S. and has obtained favorable verdicts, arbitration awards, and agency determinations, numerous successful summary judgments, precedent-setting appellate decisions, and highly beneficial settlements.

Barbara is the Secretary and a Board Member of the College of Labor and Employment Lawyers, the most distinguished body of the nation's leading labor and employment lawyers, and the Chair of the Board of the American Employment Law Council, the nation's top invitation-only organization of in-

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house and private practice management lawyers. She is a former Section Council Member of the American Bar Association (ABA) Section of Labor and Employment Law and a former Co-chair of the ABA's Equal Employment Opportunity Committee. She has served on many panels with the top leaders in the Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Labor (DOL) and has attended numerous meetings at least annually with the leaders of the EEOC, the DOL, the Department of Justice, and/or the National Labor Relations Board. On behalf of employers, Barbara regularly interacts with top government officials at various agencies on contested matters and has handled high-profile cases with the DOL and the EEOC. She excels at helping companies manage crises, including disputes with government agencies.

Barbara started her career as a law clerk for the Minnesota Supreme Court and has worked in the labor and employment field for decades, including serving as a partner in one of the world's largest global law firms before joining Fisher Phillips. She has extensive labor and employment and litigation experience, including federal court jury trials in Minnesota, Texas, and Iowa, state jury trials and arbitrations in Minnesota, and motion and appellate practice in federal courts and state courts in numerous states. Her keen knowledge of labor and employment law, tremendous forensic skills, strong business background, and experience in disputes involving other business law areas (*e.g.*, intellectual property, tax, banking, product liability, trade secrets, criminal, and antitrust law) make her a tremendously valuable asset to corporate America.

Barbara has been repeatedly recognized by numerous groups, including *Chambers USA*, *Best Lawyers*, *Benchmark Litigation*, and *Lawdragon/Human Resources Executive*. She is a 2018 Corporate Employment Lawyers Hall of Fame recipient, an honor reserved for "legends" in the "corporate employment bar whose contributions to the field as well as their firms are unparalleled" and who have achieved "consistent recognition for all-around excellence in counseling clients, contributing to the bar and serving as a visionary to improve workplaces." *Chambers USA* has previously described Barbara as a Band One lawyer who is "very practical, gets to the point quickly and is very knowledgeable" and is viewed by peers as "a go-to for complex matters." She is known for being an "extremely intelligent and skilled litigator" with a "strong record for handling complex matters with success," an "excellent brief writer, and a "good negotiator" whose "accounting background is also highly valued" and someone whom clients regard as "extremely responsive, technically knowledgeable and creative about practical solutions" and peers regard as "a bright and practical litigator" and "a much-valued member of the community."

Recent Experience

Experience

- Successful order for petrochemical companies following two-day, Article III standing Minnesota federal bench trial
- Successful result for major health system following five-day, Texas federal court jury Title VII trial (beneficial pre-verdict settlement where jury indicated it would have found for alleged "joint employer")

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- Seventh Circuit affirmance for major retailer following successful Wisconsin federal court dismissal of employment claims due to plaintiff's discovery abuses; petition before U.S. Supreme Court for *writ of certiorari*, *denied*
- Successful Utah federal court merits-dismissal for major grocery chain involving threatened ERISA class action
- Successful Minnesota federal court summary judgment for major railroad franchise involving nationally-significant preemption ruling on state law drug testing claim
- Successful settlement for large ready-mix concrete producer in Iowa federal court anti-trust class action
- Successful resolutions for aviation service solutions company in all Massachusetts and Pennsylvania federal court matters and arbitration involving class and representative wage and hour, tip, and tort claims and in related Massachusetts federal court indemnification case
- Successful disability discrimination case results involving two legally-significant Minnesota Supreme Court "employee" and "applicant" rulings, including Minnesota state court five-week trial defense win for national bank in "employee" disability, reasonable accommodation, and retaliation case and successful Minnesota Supreme Court summary-judgment affirmance for civil contractor in first "applicant" discrimination case after legislation change
- Successful Minnesota federal court decertification ruling for major food distributor involving age discrimination class and representative action
- Defense verdict in Minnesota federal court two-week age discrimination jury trial for country's largest funeral company
- Counseling includes multiple high-profile matters involving C-Suite executive issues, major investigations throughout the U.S. involving harassment, discrimination, and other alleged statutory violations, and extensive work for years advising global and national companies on diversity and inclusion initiatives

Credentials

Education

- J.D., *cum laude*, University of Minnesota Law School
- B.B.A., *magna cum laude*, University of Notre Dame

Certifications

- Certified Specialist in Labor and Employment Law, Minnesota Bar Association (2011 - present)
- Minnesota Supreme Court Rule 114 Qualified Neutral (1997 - present)
- State of Minnesota Board of Accountancy Inactive Certified Public Accounting License (2006 - present)

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Bar Admissions

- Minnesota

Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals for the Eighth Circuit
- U.S. Court of Appeals for the Seventh Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. Tax Court
- U.S. District Court for the District of Minnesota
- Minnesota Supreme Court

Recognitions

- *Chambers USA*, Band 1, Minnesota Labor & Employment (2023-2024)
- America's Leading Lawyers, Minnesota, *Chambers USA*
- *Benchmark Litigation* – Litigation Star (2023-2025)
- Fellow, College of Labor and Employment Lawyers
- Top 250 Women in Litigation (Inaugural edition)*, Benchmark Litigation,* Legal Media Group
- Best Lawyers in America, *Best Lawyers*
- Corporate Employment Lawyers 2018 Hall of Fame, *Lawdragon* and *Human Resources Executive*
- Top 100 Most Powerful Employment Attorneys in the Country, *Lawdragon* and *Human Resources Executive*
- Top 25 2009 Industry Women Leaders, *Minneapolis/St. Paul Business Journal*
- Lifetime Fellow, American Bar Association Fellows
- Top 100 Minnesota Super Lawyer, Top 50 Women Minnesota Super Lawyer, and Top 40 Employment Super Lawyer
- Law and Leading Attorneys, *Guide to the World's Leading Labour & Employment Lawyers*
- Life Member, *National Registry of Who's Who*
- AV Rating, *Martindale Hubbell*
- Top AV Rated Women, *Martindale Hubbell*
- Recognized for *pro bono* work (Southern Minnesota Regional Legal Services) and as a North Star Lawyer (Minnesota State Bar Association Pro Bono Recognition List)

Affiliations

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Professional Activities

Leadership in professional associations over the years includes the following:

- American Employment Law Council, Board Chair (2017-present); Board Member (2015-present); Member (1995-present)
- College of Labor and Employment Lawyers, Board Member (2019-present); Chair, Board Regional Activities Committee (2020-present); Fellow (2001-present)
- Federal Bar Association, Minnesota Chapter, various leadership positions over the years, including Board President (1998-1999), Board Member/Board Member Emeritus and Chapter Member (1994-present)
- University of Minnesota Law School, Board Member (2018-present and 1991-1998); Board Chair-Elect (2021-2022); Development Chair (2021-present); Annual Fund Chair (2019-2020); National Chair of the Partners in Excellence Committee (2002-2003)
- American Bar Association, Lifetime Fellow (1995-present)
- American Bar Association, Section of Labor and Employment Law, various leadership positions over the years, including Section Liaison, ABA Center for Human Rights (2018-present); Section Liaison, Commission on Women in the Profession (2017-2018); Section Council Member (2008-2015); EEO Committee Member (including Management Chair) (2004-2006) and Conference Planning Committee Member (2004-present)
- Minnesota State Bar Association, Chair, Multi-jurisdictional Task Force (2004-2006); Co-Chair, Legal Education and Bar Admissions Committee (1993-2003); Governing Council Member of the Labor and Employment Section (1989-1993), Member (1981-present)
- Minnesota Supreme Court, Advisory Committee on the Rules of Civil Procedure (1998-2000)
- Minnesota Supreme Court Board of Law Examiners, Board Member (2009-2017); Ad Hoc Member, Character & Fitness Committee (2018-present); Bar Admissions Advisory Council to the Board of Law Examiners (1998-2009)
- Minnesota Supreme Court Lawyers' Trust Account Board, Board Chair (1998-2000), Board Member (1993-2000)
- S. District Court, D. Minnesota, Federal Practice Committee, Member (1985-1990)

Barbara has also been a member of the American Institute of Certified Public Accountants and the Minnesota Society of Certified Public Accountants

Community Activities

- Power of 100 Twin Cities Women Who Care, Co-Founder/Board Member, (2012 - present)
- Girl Scouts of Minnesota & Wisconsin River Valleys (and predecessor council), various leadership positions, including Board Member (2005-2014)

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- Regions Hospital Wine Auction, various leadership positions including Steering Committee Member (2009-2011) and Silent Auction Committee Member (2006-2008)
- Domestic Abuse Project, Board Member (1993-1999)
- American Heart Association, Minnesota Affiliate, various leadership positions over two decades, including Board Chair (1987-1988)

Insights

NEWS 06/10/24

Fisher Phillips Earns Top Rankings Again as a Leading Firm in Labor and Employment Law by Chambers USA

Edwin G. Foulke Jr., Andrew J. Sommer, Travis Vance, Kristin R.B. White, Danielle Hultenius Moore, Jocelyn Campanaro, Micah Dawson, Todd A. Fredrickson, Angelica M. Ochoa, Steven M. Bernstein, Suzanne K. Bogdan, Charles S. Caulkins, Christine E. Howard, Jeffrey E. Mandel, Cathy M. Stutin, Michael P. Elkon, Shanon R. Stevenson, Terri R. Stewart, Laurel K. Cornell, Raymond C. Haley III, Emily N. Litzinger, Todd B. Logsdon, Craig P. Siegenthaler, Megan Reese U'Sellis, Michelle I. Anderson, Edward F. Harold, Timothy H. Scott, David W. Erb, Daniel E. Farrington, Joseph W. Ambash, William E. Altman, Gregory V. Murray, Barbara Jean D'Aquila, Steven R. Cupp, Gregory D. Ballew, J. Randall Coffey, James R. Holland II, Brian J. Finucane, Melody L. Rayl, David B. Dornak, Scott M. Mahoney, Mark J. Ricciardi, Kathleen McLeod Caminiti, Rosemary S. Gousman, Michael R. Marra, David Klass, Richard A. Millisor, Clarence M. Belnavis, Todd A. Lyon, Michael P. Avila, Nan Sato, Christopher P. Stief, William D. Wright, Michael D. Carrouth, C. F. W. Manning II, Stephen C. Mitchell, J. Hagood Tighe, David S. Jones, Greg Grisham, Jeff Weintraub, Stephen J. Roppolo, Teresa Valderrama, Theresa M. Connolly, Davis C. Bae, Ralph Hua, Radhika Mehta, Suzanne Kelly Michael

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EVENT Thursday, September 21, 2023 and Tuesday, September 26, 2023

Restrictive Covenants and Trade Secrets in the Post-Pandemic World

Michael P. Avila, Barbara Jean D'Aquila, Michael P. Elkon, Andrew Froman, Rick Grimaldi, Kathleen Laubenstein, Christopher P. Stief, Robert Yonowitz

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NEWS 06/06/23

Fisher Phillips Once Again Recognized as a Top Labor and Employment Law Firm by Chambers USA

Edwin G. Foulke Jr., Andrew J. Sommer, Travis Vance, Kristin R.B. White, Danielle Hultenius Moore, Jocelyn Campanaro, Micah Dawson, Todd A. Fredrickson, Angelica M. Ochoa, Steven M. Bernstein, Suzanne K. Bogdan, Charles S. Caulkins, Christine E. Howard, Jeffrey E. Mandel, Cathy M. Stutin, Shanon R. Stevenson, Laurel K. Cornell, Raymond C. Haley III, Emily N. Litzinger, Todd B. Logsdon, Craig P. Siegenthaler, Megan Reese U'Sellis, Michelle I. Anderson, Edward F. Harold, Timothy H. Scott, David W. Erb, Daniel E. Farrington, Joseph W. Ambash, William E. Altman, Gregory V. Murray, Steven R. Cupp, Gregory D. Ballew, J. Randall Coffey, James R. Holland II, Brian J. Finucane, David B. Dornak, Scott M. Mahoney, Mark J. Ricciardi, Kathleen McLeod Caminiti, Rosemary S. Gousman, Michael R. Marra, Richard A. Millisor, Clarence M. Belnavis, Todd A. Lyon, Nan Sato, Christopher P. Stief, William D. Wright, Michael D. Carrouth, C. F. W. Manning II, Stephen C. Mitchell, J. Hagood Tighe, David S.

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Jones, Jeff Weintraub, Arthur V. Lambert, Stephen J. Roppolo, Teresa Valderrama, Theresa M. Connolly, Davis C. Bae, Ralph Hua, Radhika Mehta, Suzanne Kelly Michael, Barbara Jean D'Aquila

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INSIGHTS 05/08/23

3 Major Points to Consider When Deciding Whether to Sue Over Restrictive Covenants and Trade Secret Violations

Barbara Jean D'Aquila

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INSIGHTS 01/19/23

6 Proactive Tips to Address Employee Defection Concerns Before a Crisis Unfolds

Barbara Jean D'Aquila

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NEWS 10/14/22

Minneapolis Partner Discusses Hero Pay Laws

Barbara Jean D'Aquila

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NEWS 10/03/22

Fisher Phillips Recognized by Benchmark Litigation 2023

Barbara Jean D'Aquila, Joseph W. Ambash, Steven M. Bernstein, Todd A. Fredrickson, Lonnie D. Giamela, Rosemary S. Gousman, Karl R. Lindegren, Kathleen McLeod Caminiti, Stephen C. Mitchell, Sarah Moffett, Kristen J. Nesbit, Regina A. Petty, Timothy H. Scott, Christopher P. Stief, James Sullivan, J. Hagood Tighe, Teresa Valderrama

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EVENT Thursday, September 22, 2022 and Tuesday, September 27, 2022

Restrictive Covenants and Trade Secrets in the Post-Pandemic World

Susan M. Guerette, Lauren Frisch, Christopher P. Stief, Risa B. Boerner, Usama Kahf, David J. Walton, Paul Greco, Barbara Jean D'Aquila, Jeffrey M. Csercsevits

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INSIGHTS 07/06/22

The Top 18 Workplace Law Stories from June 2022

Phillip C. Bauknight, Risa B. Boerner, Kathleen McLeod Caminiti, Melissa (Osipoff) Camire, Jennifer B. Carroll, Barbara Jean D'Aquila, Patrick W. Dennison, Benjamin M. Ebbink, Jeffrey A. Fritz, Abby H. Putzulu, Nicholas S. Hulse, Usama Kahf, Todd B. Logsdon, Lorie Maring, Curtis G. Moore, Catharine Morisset, Joshua D. Nadreau, Alden J. Parker, Monica Snyder Perl, Lisa

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Nagele-Piazza, Ron M. Pierce, Erin Price, Julia A. Sherwood, Hannah Sweiss, Henry Thomson-Smith, Shaun J. Voigt, Kristin R.B. White, Arthur M. Wolfson

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INSIGHTS 06/07/22

Deadline Looming: Businesses with Minnesota Employees Need to Take 5 Steps to Comply with New Frontline Worker Bonus Pay Law

Barbara Jean D'Aquila

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