

## Daniel V. Kinsella

SHAREHOLDER

Practicing law, says Daniel Kinsella, requires a reliance on scholarship and a practical understanding of the needs of business—compelling reasons why he continues to write about law and enjoy the scholarly side of its practice. The manufacturing business his father built and nurtured as Daniel was growing up became the subject of many dinner-table conversations, during which he learned volumes about the knowledge and thought processes necessary to succeed as an entrepreneur. Today his brother runs this business, and Daniel remains involved.

His empathy for entrepreneurs, born of his father's struggle, has translated into satisfying relationships with a variety of closely held businesses to which he serves as counsel. Daniel also has worked on complex cases for larger, publicly held companies. Understanding the needs and goals of entrepreneurial business owners and managers has helped him craft a unique approach to representing their interests when negotiating with unions and appearing before the Equal Employment Opportunity Commission or the National Labor Relations Board.



### CONTACT INFO

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### PRACTICE AREAS

Commercial and Employment Litigation  
Employment and Benefits  
Labor Arbitration and Litigation



Participating in collective bargaining negotiations with the Teamsters Union on behalf of trucking companies was Daniel's first assignment as an associate directly out of law school. He quickly learned that practicing labor and employment law is dramatically different from studying it. During his distinguished career he has witnessed this legal realm evolve from clearly defined labor relations to employment law encompassing discrimination, harassment, civil rights, and the enforcement and application of various state and federal statutes.

During the first eight years of his career Daniel honed his knowledge of labor law at two well-known firms in the Chicago area. He started his own practice in 1985 with an eponymous partner from the first firm to employ him out of law school. This collaboration evolved into Hough, Cook, Weatherhead & Kinsella, specializing in labor and employment law. During his tenure there, Daniel grew his practice to involve several aspects of litigation. He continued to concentrate in labor and employment matters, including discrimination and litigation of non-compete covenants, trade secret issues and employee duty of loyalty cases.

As his reputation grew, so grew invitations to lend his expertise to competing firms. From 1993 until 2004, when he joined Schuyler, Roche & Crisham, Daniel headed the labor and employment law practice groups at two different law firms. In citing his reasons for joining Schuyler, Roche & Crisham, Daniel says our people were "the main attraction, easy to get along with, yet hard working on behalf of clients."

## EXPERIENCE

Schuyler, Roche & Crisham, P.C.  
Chicago, Illinois

*Shareholder*  
2004 to Present

Rooks Pitts  
Chicago, Illinois

*Partner*  
1998 to 2004

Burditt & Radzius, Chtd.  
Chicago, Illinois

*Shareholder*  
1993 to 1998

Hough, Cook, Weatherhead & Kinsella\*  
Chicago, Illinois

*Partner*  
1985 to 1992

Fox & Grove, Chtd.  
Chicago, Illinois

*Associate*  
1984 to 1985

Howington, Elworth, Osswald & Hough  
Chicago, Illinois

*Associate*  
1977 to 1984

*\*And predecessor.*

## EDUCATION AND DISTINCTIONS

J.D., University of Illinois College of Law,  
Champaign, Illinois, 1977.

Member, Recent Decisions Section, *Illinois Bar Journal*, 1977.

B.A., Oakland University, Rochester, Michigan,  
1973.

## AREAS OF PRACTICE

Drawing on his more than 25 years in the legal arena of labor relations and employment matters, Daniel has built a practice that encompasses nearly all aspects of this complex area of law, including class action lawsuits before the EEOC and complicated matters before the NLRB. He manages a wealth of labor and employment related issues for large and midsize corporations, taking pride in the relationships he has nurtured and the lines of communication he maintains.

Labor and employment law has always involved a mix of transactional work, he says, work he enjoys, such as negotiating a collective bargaining agreement or drafting a restrictive covenant or employment manual, together with litigating and trying cases. Most often, says Daniel, the litigation of discrimination and harassment cases, especially the complex ones, involves motion practice and discovery before reaching trial, a challenging mix he enjoys.

His representation includes currently pending cases for:

- a real estate company in a \$6.5 million lawsuit brought by a union pension plan
- a local trucking company in a federal court action arising out of a secondary boycott Daniel successfully defended before the NLRB
- a landscape company in its dealings with three unions, including a decertification proceeding and charges of unfair labor practice brought before the NLRB.

## PEER RECOGNITION

Illinois Super Lawyers, *Law & Politics*, since 2005.

Leading Lawyers Network, *Law Bulletin Publishing Company*, 2006.

Martindale-Hubbell, "peer review rated for ethical standards and legal ability," since 1991.

## LECTURES

"Keeping It Under Lock and Key: Restrictive Covenants, Trade Secrets and Employee Duty of Loyalty," the Plaza Club, 2006.

"Covenants Not to Compete in Physician Contracts," Inaugural Meeting of the DuPage County Bar Association Health Care Committee, Wheaton, Illinois, 2005.

"Conducting a Successful Internal Investigation," Lorman Education Services, 2004.

"Review of Labor Relations," Human Resources Professional Certification Class, Human Resources Certification Institute, 2004.

"The How and Why of Union Organizing: Positive Human Resources Mean Preventive Labor Relations," HRCI Review Class, Human Resources Certification Institute, 2004.

"Recent Legal Developments in HR Management, Immigration and Benefits," Society of Human Resource Professionals, 2004.

"Practical Tips for HR Management," Lorman Education Services, 2004.

"Time Off Under the Americans with Disabilities Act," presented at a seminar entitled Time Off in Illinois, sponsored by Lorman Education Services, 2004.

Society of Human Resource Professionals, 2004.

## ACHIEVEMENTS

Daniel thrives on challenge, citing as one example a case in which the National Labor Relations Board gave him just 30 days to prepare for what turned out to be a seven-day trial. Despite no expert testimony or discovery, he secured a telling victory for his client. Other successes include his representation of:

- a manufacturing employer in a racial harassment case brought by class and private plaintiffs before the EEOC
- a mechanical contracting company in a trial involving an action brought by OSHA arising out of a fatal industrial accident
- a Catholic university in an NLRB representation proceeding brought by a union seeking to organize the faculty
- a South Carolina manufacturer in the settlement of an EEOC class action case in which the plaintiff alleged racial harassment.

As the labor and employment laws have evolved over the last thirty years, the situations leading to employment disputes have become increasingly complex, making this area of law an ongoing challenge for its practitioners. If you seek a dedicated and resilient advocate, an attorney proven in this complex and changing realm of law, we encourage you to contact Daniel Kinsella.

## PUBLICATIONS

"Tortious Interference: A State-By-State Survey", *BNA/ABA*, Board of Editors, 1995 to present.

"Covenants Not to Compete, a 50-State Survey," *BNA/ABA*, Board of Directors, 1995 to present.

"Employee Duty of Loyalty", *BNA/ABA*, Board of Editors, 1995 to present.

"Trade Secrets", *BNA/ABA*, Board of Editors, 1995 to present.

"Annual Legal Update", *Society of Human Resource Professionals (SHRP)*, 1999 to present.

## BAR AND COURT ADMISSIONS

Illinois, 1977

U.S. District Court for the Northern District of Illinois, General Bar, 1977

U.S. District Court for the Central District of Illinois, 1982

U.S. District Court for the Northern District of Illinois, Trial Bar, 1985

U.S. Court of Appeals for the Seventh Circuit, 1989

U.S. Supreme Court, 1997

## PROFESSIONAL MEMBERSHIP

American Bar Association (Labor and Employment Law Section, Employee Rights and Responsibilities Committee)

## CIVIC AFFILIATIONS

Society of Human Resource Professionals, instructor for labor law course for human resource certification class sponsored by SHRP, 1999 to present.

Society of Human Resource Professionals (SHRP), Legislative Liaison and Legal Hotline, member, Board of Directors (prepare and present annual legal update to members), 1997 to present.