

Kathleen W. Toth is a member of the law firm of Manning Curtis Bradshaw & Bednar with a practice and expertise in employment law and litigation. Ms. Toth advises clients regarding federal and state employment laws, and she represents several major state and national employers. Ms. Toth has been recognized by The Best Lawyers in America for Labor and Employment Law, and has been elected to Utah's Legal Elite for employment law by Utah Business Magazine. Ms. Toth has developed an expertise and has litigation experience in areas involving employment contracts, non-compete agreements and severance agreements. She has advised clients and litigated issues involving all Title VII protected classes, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Fair Labor Standards Act, the Family Medical Leave Act, as well as employee privacy issues and employment-related state law tort claims.

In addition, Ms. Toth has participated in numerous mediations, successfully representing both the employee and the employer. She is committed to expanding her extensive employment counseling and litigation experience to help others resolve their disputes successfully and is a mediator at Utah ADR Services.

Ms. Toth graduated as a Leary Scholar from the University of Utah S.J. Quinney College of Law where she served as a member of the Utah Law Review. After graduation, Ms. Toth completed a federal clerkship with the Honorable Ewing Werlein in the United States District Court for the Southern District of Texas. Prior to joining the firm, Ms. Toth was an associate specializing in employment law with the Houston office of Littler Mendelson. Ms. Toth has authored several articles advising both employees and employers alike on issues ranging from hiring policies to wrongful discharge. She is also a well-known speaker and experienced trainer on employment issues, such as Title VII sexual harassment, proper interview, discipline and termination procedures, as well as drafting employee handbooks, employment contracts, non-competition and severance agreements and the FMLA, ADA and ADEA.

Practice Emphasis:

- Employment counseling and litigation
- Negotiation, review and drafting of severance agreements, employment contracts and non-compete agreements
- Mediator with Utah ADR Services

Education and Accomplishments:

- B.A., *cum laude*, University of Utah, 1991
- J.D., University of Utah College of Law, 1994
 - Utah Law Review, 1993-1994
 - William H. Leary Scholar

—Judicial Law Clerk for the Honorable Ewing J. Werlein, United States District Court for the Southern District of Texas, 1996-1997

Licensed:

- Texas since 1995
 - United States District Court for the Southern District of Texas
 - Fifth Circuit Court of Appeals
- Utah since 1999
 - United States District Court for the District of Utah
 - Tenth Circuit Court of Appeals

Professional Affiliations, Activities and Service:

- American Bar Association
 - Section of Labor and Employment Law
- Federal Bar Association
- Utah Bar Association
 - Labor and Employment Section of Utah State Bar
- Texas Bar Association
- Listed in *Best Lawyers in America* and *Utah's Legal Elite* - Labor and Employment Law
- Society of Human Resource Managers (Salt Lake City, Utah Chapter)
- Pro Bono College of the State Bar of Texas

Seminars:

- Avoiding Employment Litigation and Liability: Practical Solutions, February 21, 2001, Salt Lake City, Utah
- Employment Discrimination Update in Utah, August 29, 2000, Salt Lake City, Utah
- Personnel Law Update 2000: Avoiding the Most Common and Surprising Legal Pitfalls in Your Reference Checking Practices, May 1, 2000, Salt Lake City, Utah
- Progressive Discipline, Coaching & Termination Law 2000, February 22, 2000, Salt Lake City, Utah
- Family and Medical Leave Act in Utah, February 10, 2000, Salt Lake City, Utah
- EEOC Hiring Compliance, January 27, 2000, Salt Lake City, Utah
- Employee Handbooks in Utah: Drafting and Enforcing Sound Procedures and Policies, June 4, 1999, Salt Lake City, Utah
- Annual Texas Employer Seminar and Employment Law Update, September 1998, Houston, Texas
- Annual Texas Employer Seminar and Employment Law Update, September 1997, Houston, Texas

Publications:

- Retaliation: Disciplining the Employee Who Holds You Hostage*, Annual Personnel Update (February 2001)
- Employment Discrimination Update in Utah*, National Business Institute (August 2000)
- The Five Most Common Mistakes Made by Employers and How to Avoid Them*, Personnel Law Update (June 2000)
- Family Medical Leave Act in Utah*, Lorman Education Services (February 2000)
- Employee Handbooks in Utah*, National Business Institute (June 1999)
- Current Supreme Court Term Promises to Offer Long-Awaited Guidance on Sexual Harassment*, Texas Lawyer (June 22, 1998)

—*Wrongful Discharge Law in Texas*, Texas Employer (January 1998)

Community Activities:

—Founder and President, University of Utah Alumni Association, Houston, Texas Chapter, 1996-1998.

—Board of Directors, South Texas Adoption Resources, 1996-1999.

—Executive Board Member for the Utah Young Lawyers Division of the Utah State Bar, 1999-2000.

—Bar Examiner Committee for the Utah State Bar, 2003.

—Board of Trustees, The McGillis School, 2009-present.