



## **Brian T. Benkstein**

SHAREHOLDER

Minneapolis

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### Services

Employment, Labor & Benefits

Employment & Labor Litigation

Labor Management Relations

Health Law

### **Brian is an experienced litigator, counselor and strategist who exclusively represents employers through advice and defense of legal claims.**

Brian is a seasoned litigator and counselor who only represents employers and businesses. He advises employers on discipline, terminations and employment law compliance. He has tried multiple jury, bench and arbitration matters to verdict or decision. He regularly defends employers in litigation matters. He also helps his clients navigate other disputes in unionized settings.

Brian also represents clients as outside General Counsel. He drafts and negotiates commercial contracts and gives advice on business matters, legal disputes, litigation, compliance and legal strategy.

Brian combines his knowledge of the law with eight years of management experience in the health care industry. Prior to entering the practice of law, he served in a variety of management positions for a health care company that operated facilities in the Twin Cities metropolitan area. Brian uses this real-world business experience when litigating cases and when helping clients solve complicated legal issues.

Brian is a regular lecturer on employment law and litigation topics in Minnesota, including presenting at the Upper Midwest Employment Law Institute.

## **Experience**

### Employment Litigation Defense

- Achieved a complete defense verdict on behalf of a health care client involving claims of discrimination and retaliation and successfully collected the client's litigation costs from the former employee.

### Employment Advice

- Gave advice on and successfully resolved a high-profile termination and avoided unfavorable media coverage.

### Labor Matters

- Defeated a discharge grievance filed by a Union following a multi-day arbitration proceeding involving more than a dozen witnesses.
- Brokered a collective bargaining agreement on terms favorable to the client by securing critical concessions from Union.

## Credentials

### Education

- William Mitchell College of Law, J.D., 2002, *magna cum laude*
- University of Wisconsin – Eau Claire, B.S., 1994, *magna cum laude*

### Admissions

- U.S. Court of Appeals for the Seventh Circuit, 2017
- U.S. Court of Appeals for the Eighth Circuit, 2006
- U.S. District Court for the District of Minnesota, 2003
- Minnesota, 2003

## Recognition

- *The Best Lawyers in America*, Employment Law—Management, 2019-present
- Super Lawyer—Employment Litigation: Defense, *Minnesota Super Lawyers*, 2016-present
- Rising Star—Employment Litigation: Defense, *Minnesota Super Lawyers*, 2007-2012

## Civic & Professional

### Professional Activities

- Minnesota State Bar Association, Labor and Employment Law Specialist

### Community

- Chanhassen Athletic Association, Former President

## Speaking Engagements

Event | 10.18.2022

Fredrikson & Byron's 38th Annual Employment & Labor Law Seminar

Event | 11.11.2020

Health Law Webinar—Federal Employment Law Issues in the Evolving COVID-19 Environment

Event | 12.2019

Employment and Labor Law Webinar Series 2019

## Legal Updates

Legal Update | 06.09.2022

Applications for Minnesota's Frontline Worker Payments Are Now Open

Legal Update | 05.16.2022

Minnesota Frontline Worker Pay Program: What We Know So Far

Legal Update | 07.06.2021

Question of the Day: New COVID-19 Healthcare Emergency Temporary Standard

Legal Update | 07.30.2020

Question of the Day: Remote Work Disability Accommodations

Legal Update | 05.19.2020

Question of the Day: Effective Documentation of Safety Precautions

Legal Update | 04.07.2020

Employment Question of the Day: April 7, 2020

Legal Update | 06.19.2019

Minnesota Employers Are Subject To New Record-Keeping And Notice Requirements

## Publications & Presentations

Co-Presenter, *Unique Employment Issues in Long-Term Care*, LeadingAge Minnesota Institute & Expo, February 08, 2023

Co-Presenter, *Unique Healthcare Employment Issues: Tips, Tricks & Traps*, Care Providers of Minnesota Annual Convention & Exposition, November 2022

Co-Presenter, *Tools for Your Toolbox: Advanced Leave and Accommodation Issues for Employers*, Fredrikson & Byron's Annual Employment & Labor Law Seminar, On-Demand Webinar, October 2021

Co-Presenter, *The Questions We Get the Most (And Other 'Off-the-Wall' Employment Situations)*, Fredrikson & Byron's Annual Employment & Labor Law Seminar, October 26, 2021

Presenter, *Strategic Use of Employee Performance Improvement Plans—How to Develop, Implement, and Hold Employees Accountable—Including an Annotated PIP*, Upper Midwest Employment Law Institute, May 24, 2021

Co-Presenter, *Federal Employment Law Issues in the Evolving COVID-19 Environment*, Fredrikson & Byron Health Law Webinar Series, November 11, 2020

Co-Presenter, *Disability Accommodation Case Study in the Pre- and Post-COVID-19 Workplace*, Fredrikson & Byron's Annual Employment & Labor Law Seminar, October 27, 2020

Presenter, *Strategic Use of Employee Performance Improvement Plans—How to Develop, Implement and Hold Employees Accountable*, Upper Midwest Employment Law Institute, September 16, 2020

Presenter, *Strategic Documentation of Employee Discipline and Discharge: Sword vs. Self-Inflicted Wound?*, Upper Midwest Employment Law Institute, September 15, 2020

Speaker, *Emergency Families First Coronavirus Response Act (FFCRA)—What Aging Services Providers Need to Know*, LeadingAge Minnesota, April 1, 2020

Presenter, *Strategic Use of Performance Improvement Plans: How to Develop and Effectively Implement*, Fredrikson & Byron's Employment and Labor Law Webinar Series, December 4, 2019

Presenter, *Minnesota's New Wage Theft Law: An Update and Compliance Strategies*, Fredrikson & Byron's 35th Annual Employment & Labor Law Seminar, November 7, 2019

Presenter, *Strategic Use of Performance Improvement Plans: How to Develop and Effectively Implement*, Fredrikson & Byron's 35th Annual Employment & Labor Law Seminar, November 7, 2019

Co-Presenter, *Workplace Investigations: Planning, Strategy and Execution*, Fredrikson & Byron's 35th Annual Employment & Labor Law Seminar, November 7, 2019

Presenter, *Terminations Got You Down? Five Tips to Tighten Your Termination Tactics*, Fredrikson & Byron's Employment and Labor Law Webinar Series, December 17, 2018

Presenter, *Terminations Got You Down? Five Tips to Tighten Your Termination Tactics*, Fredrikson & Byron's 34th Annual Employment & Labor Law Seminar, November 1, 2018

Presenter, *Protecting Your Organization's Trade Secrets and Confidential Information: Best Practices and Common Mistakes*, Association of Corporate Counsel, Minnesota Chapter, Roundtable Series, July 2018

Presenter, *Strategic Documentation of Discipline and Discharge: Sword vs. Self-Inflicted Wound?*, Upper Midwest Employment Law Institute, May 22, 2018

Presenter, *What? I'm Fired? Handling the Discharge Process and Termination Meeting*, Upper Midwest Employment Law Institute, May 21, 2018