



Brittany M. Falkowski

PARTNER

ST. LOUIS, MO

PHONE: 314.480.1608

EMAIL: BRITTANY.FALKOWSKI@HUSCHBLACKWELL.COM

OVERVIEW

Clients appreciate Brittany's attention to detail, as well as her poised, calm demeanor in and out of the courtroom.

Focusing on labor and employment law, Brittany splits her practice between counseling employers and litigating in state and federal courts across the country. Brittany is known for building long-term partnerships with clients, fully integrating herself into their businesses to better understand how they operate and how she can help them reach their goals.

Brittany provides companies with a full complement of day-to-day employment advice, including reductions in force. She understands that employers have many business and legal concerns when it comes to making large- or small-scale staff cuts. She frequently counsels clients on the front end, examining Worker Adjustment and Retraining Notification (WARN) issues, advising on communication strategies, conducting disparate impact statistical analyses, and pointing out red flags to help minimize the threat of litigation.

If litigation does become necessary, Brittany is a fierce advocate. Whether it is a single-plaintiff discrimination or whistleblower retaliation claim, a complex class action, or a sophisticated claim under the Employee Retirement Income Security Act, clients feel confident when Brittany is involved. She manages matters from initial administrative proceedings through final judicial decisions, providing employers with a consistent and true partner throughout the entirety of a case.

Industry

Food Systems

Services

Class Action Defense

Employment Class & Collective Actions

Employment Litigation Defense

ERISA & Employee Benefits Litigation

HR Consultation & Training

Labor & Employment

Non-Competes & Restrictive Covenants

Traditional Labor Relations

Workplace Safety & Health

Case Study

Conagra Brands

Our team clarified important points of law regarding CBAs in this class action suit.

Featured Experience

Reorganization Leads to Reduction in Force

After a large telecommunications company formed from the acquisition of two other telecom entities, a nationwide reorganization took place, requiring a reduction in force that impacted hundreds of employees. Brittany and the Husch Blackwell team partnered with in-house counsel to strategize and ensure the reduction was as efficient and painless as possible. They analyzed legal risk associated with position eliminations, conducted adverse impact analyses, helped to determine appropriate decisional units, and drafted notices of group terminations in the wake of multiple call center closings.

The reduction required state-by-state analysis of Worker Adjustment and Retraining Notification (WARN) issues, a deep dive into how decisions regarding job eliminations were made, and a lot of flexibility as the reorganization evolved over time. By working closely with in-house counsel to understand the ins and outs of the reduction, Brittany and the team were able to meet all deadlines and limit legal liability for the combined company as it moved forward.

Summary Judgment in Whistleblower Retaliation Case

When a former employee falsely claimed that he was discharged for reporting a safety concern associated with the integrity of a client's food storage, Brittany fiercely defended the food manufacturer. She successfully moved to strike salacious allegations from the employee's complaint, assisted the client with sending cease and desist letters to stop the former employee from approaching the client's customers with his unfounded allegations, and ultimately prevailed on summary judgment before a plaintiff-friendly tribunal. The food manufacturing client was happy not only with Brittany's defense of the case, but with her desire to understand the complexities of the safety-related issues and the impact the former employee's allegations could have had on the client's reputation.

Experience

- Obtained summary judgment in Family Medical Leave Act (FMLA), employment discrimination and retaliation, wrongful discharge and whistleblower lawsuits.

Experience

- Successfully defended complex collective and class actions under Fair Labor Standards Act (FLSA) and Arkansas Minimum Wage Act (AMWA).
- Won summary judgment for employer in Employee Retirement Income Security Act (ERISA) benefits case involving individual claim for benefits and breach of fiduciary duty; affirmed by U.S. Court of Appeals, Eighth Circuit.
- Guided large company through internal FLSA misclassification audit in connection with due diligence for acquisition of that company; recommended remedial action and prepared correspondence to employees regarding same.
- Won four summary judgment cases in four jurisdictions in one year.
- Represents one of the largest non-profit multistate senior care communities and successfully argued that it is a religious organization exempt from the Missouri Human Rights Act (MHRA), meaning that the organization cannot be sued for discrimination, harassment, or retaliation under state law.

Recognition

- Missouri Bar Pro Bono Wall of Fame, 2017, 2019-2020

Education

- J.D., Saint Louis University School of Law
 - *magna cum laude*
 - Certificate in Employment Law
 - Order of the Woolsack
 - Academic Excellence Awards in Labor Law, Employment Discrimination, and Professional Responsibility
 - Samuel I. Sievers Writing Award
 - *Saint Louis University Law Journal*
- B.A., Missouri State University
 - Political Science and Spanish
 - *summa cum laude*

Admissions

- Missouri
- Illinois
- U.S. District Court, Southern District of Illinois
- U.S. District Court, Eastern District of Missouri
- U.S. Court of Appeals, Fifth Circuit

Clerkship

The Hon. Roy L. Richter, Missouri Court of Appeals, 2009

Community Leadership

She enjoys helping those who cannot afford or are not in a position to defend themselves.



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