

CHUCK HENSON

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EDUCATION

Georgetown University Law Center, J.D. 1990

Yale University, B.A. 1987

ACADEMIC EXPERIENCE & HONORS

2013 – Present

Trial Practice Professor of Law, University of Missouri School of Law

Courses Taught: Pretrial Litigation, Trial Practice, Advance Trial Practice

Senior Fellow, Center for the Study of Dispute Resolution

2010 – 2013

Visiting Professor of Law, University of Missouri School of Law

Courses Taught: Client Interviewing and Counseling, Lawyering, Pretrial Litigation, Trial Practice, Advance Trial Practice, Employment Discrimination, Professional Responsibility

Honors: 27th Annual Lloyd Gaines Scholarship Banquet Honoree 2012-2013
Board of Advocates Faculty Achievement Award 2012

2009

Adjunct Professor, University of Missouri School of Law

Courses Taught: Lawyering Fall 2009

2002, 2003, 2005

Adjunct Professor, Denver University Sturm College of Law

Courses Taught: Labor Law

PUBLICATIONS

Published: *Title VII Works – That’s Why We Don’t Like It*, 2 U. Miami Race & Soc. Just. L. Rev. 41 (2012) available on SSRN <http://ssrn.com/abstract=2189900>. A review of the legislative history of Title VII explaining that Title VII’s apparent weakness arose from its design and that the Court’s McDonnell Douglas interpretation of Title VII accords with legislative intent.

Work in Progress: *In Defense of McDonnell Douglas: The Domination of Title VII by the At-will Employment Doctrine*. This paper further explains Title VII’s weakness arguing that the at-

will employment doctrine dominated Title VII's creation and implementation in circumstantial evidence based disparate treatment cases.

SERVICE TO LAW SCHOOL AND PROFESSION

2012-2013 Academic Year

Board of Advocates – assistance with coaching the AG Cup and Arbitration teams

BLSA Thurgood Marshall Mock Trial team coach

Case note advisor to Matthew Reddish – Arbitration Agreements in Higher Education Contracts *Reed v. Florida Metropolitan University*

Case note advisor to Chris Lesinski - THE CHANGING FACE OF DISCRIMINATION LAW IN MISSOURI *Hervey v. Mo. Dept. of Corrections*, 2012 WL 3627764 (Mo. 2012).

ACS Supreme Court Series presentation October 10, 2012: What is a “supervisor” for purposes of federal employment discrimination law? *Vance v. Ball State*

NITA Trial Advocacy Teacher Training November 8-10, 2012 San Francisco, California

8th Annual Small Firm & Public Interest Law EXPO present 2 hour ethics CLE on lawyers as undercover investigators and client confidentiality and file retention in the era of the “cloud” February 28, 2013

2011-2012 Academic Year

Board of Advocates – assistance with coaching the AG Cup and Arbitration teams

BLSA Thurgood Marshall Mock Trial team coach

CSDR Symposium “Border Skirmishes: The Intersection Between International Commercial Arbitration and Litigation” – Moderator for works in progress panels October 20-21, 2011

Mid Atlantic People of Color Legal Scholarship Conference Howard University Washington, D.C. present article “Title VII Works” January 27-28, 2012

7th Annual Small Firm & Public Interest Law EXPO present 2 hour ethics CLE on the ethics of social media March 2, 2012

2010-2011 Academic Year

Case note advisor to Jackie Whipple “A Dropped Call: The Supreme Court Declines to Decide if there is a Right to Privacy in Electronic Communications in the Government Workplace *City of Ontario v. Quon*”

Independent study advisor to Chi-Chi Chukwu “Punish My Conduct or My Thoughts, But for Peter’s Sake Choose One” a paper on the criminalization of hate crimes

ACS Supreme Court Series presentation September 27, 2010: Federal Preemption of State Immigration Law, *Chamber of Commerce v. Candelaria* challenge to Arizona’s “Legal Arizona Worker’s Act”

Missouri Bar Association Employment Law Section present 1 hour CLE on summary judgment in employment discrimination cases under the Missouri Human Rights Act after *Daugherty v. City of Maryland Heights* November 12, 2010

Missouri Attorney General’s Office present 1 hour CLE on client counseling December 3, 2010

HATTS Trials, February 10, 2011: co-counsel with Ty Hardin defending Dr. Frankenstein

6th Annual Small Firm & Public Interest Law EXPO present 2 hour ethics CLE on the ethics of social media March 11, 2011

1L Moot Court Competition Judge April 11, 2011

Missouri Office of Prosecutorial Services present 1 hour CLE on employment discrimination under the Missouri Human Rights Act April 21, 2011

Missouri Bar Minority Issues Committee present 1 hour CLE on cross-cultural client counseling May 6, 2011

John Mercer Langston Writing Workshop June 24 – 25, 2011 DePaul University School of Law Chicago, Illinois – commentator

PROFESSIONAL EXPERIENCE

2009 – 2010

Assistant Attorney General and Assistant General Counsel for Human Resources Missouri Attorney General’s Office.

Practice emphasis and first chair responsibility for defense/trial of employment discrimination claims against the State of Missouri its agencies and management. Advised on individual personnel matters, developed and revised personnel policies and investigated claims of discrimination in their pre-litigation stages for the Attorney General’s Office, Department of Revenue, Secretary of State, Public Service Commission, Department of Corrections and a variety of other state agencies. Responsible for mentoring, development and supervision of four subordinate lawyers.

2006 – 2009

Solo Practitioner/Consultant. Gibson Arnold & Associates, Denver Colorado.

Part time - Engaged in a variety of discrete employment related advice and litigation efforts and as an independent contractor to Price Waterhouse and Level 3.

2004 – 2006

Vice President Law (Human Resources). Adelphia Communications, Greenwood Village, Colorado.

Overall independent legal guidance and management of all human resources issues/projects/litigation of corporation with 15,000 employees in 23 states. Developed and implemented training for all human resources professionals regarding compliance with ADA, ADEA, Title VII and human resources investigation techniques and appropriate documentation. Managed use of outside counsel resources. Acted as liaison between outside counsel and corporate clients. Successfully managed closure of million dollar EEOC consent decree based on actions and agreed to by prior management. Primary member of on-call violence in the workplace first response team. Investigated allegations of corporate and human resource policy violations at VP level or above, supervised all other investigations relating to policy violations by corporate personnel. Direct advisor to Chief Operating Officer and Senior Vice President of Human Resources on human resources issues. Approved all employment terminations. Provided on-call advice to all levels of management on human resources issues. No federal or state discrimination cause findings during my tenure. No human resource related judgments were obtained against Adelphia during my tenure.

2001 – 2004

Of Counsel and Partner. Kutak Rock LLP, Denver, Colorado

Practice emphasis on defending employment, labor disputes for a variety of clients. Provide advice and litigation counsel on matters involving Title VII, ADA, ADEA, FSLA, FMLA, ERISA, and other federal, state and local laws relating to the workplace. Provided advice and litigation counsel on matters involving LMRA and NLRA and contract interpretation disputes over the terms of collective bargaining agreements. Developed and managed million dollar client base Successfully tried several labor and commercial arbitrations and argued dispositive motions in Minnesota, New Mexico, Oregon, Colorado and Washington.

2000 -2001

Trial Consultant. Denver, Colorado.

Assist corporate client in analysis and preparation for trials of major personal injury actions by analyzing defense strategy and trying plaintiff's side of case in mock trial settings.

1997 – 2000

Senior Attorney. U S WEST, Inc., Denver, Colorado.

Practice emphasis on employment and commercial defense litigation in each state in the corporation's territory of the fourteen western states excluding California and Nevada; management of in excess of one million dollars of potential liability; co-counsel with outside lawyers in the successful defense of two multi-million dollar arbitrations and the successful defense of the NBCC lawsuit in a jury trial in Federal District Court; hiring and directing outside counsel; supervision of junior attorneys and law clerks; also responsible for representing corporation in arbitration of traditional labor issues, employee discipline and contract

interpretation, of the collective bargaining agreements with the Communications Workers of America and the International Brotherhood of Electrical Workers.

1997

Senior Associate. Slivka Robinson Waters & O’Dorisio, P.C., Denver, Colorado.

Practice emphasis in complex commercial litigation and employment defense litigation. Responsibilities include case and client management, all aspects of discovery, preparing budgets, negotiations, briefing and supervision of junior associates; oral argument before Colorado Court of Appeals.

1995 – 1997

Associate. Freeborn & Peters, Denver, Colorado.

Practice emphasis in complex commercial litigation and employment defense litigation. Co-counsel on five day securities fraud arbitration; co-counsel on two United States Tax Court trials; oral argument on summary judgment motion in U.S. District Court for Massachusetts; outlining defense strategy in ERISA trustee breach of fiduciary duty case.

1990 – 1995

Associate. Holland & Hart, Denver, Colorado

Practice emphasis in complex commercial litigation and employment defense litigation including two month leave from Holland & Hart to prosecute approximately 25 misdemeanor criminal trials, jury and bench, in Denver County Court for the City and County of Denver City Attorney’s Office Code Enforcement Section.

LICENSES

United States Supreme Court (1998); Tenth Circuit Court of Appeals (1990); United States Tax Court (1996); U.S. District Court for the Districts of Colorado (1991) and Nebraska (1997); State of Colorado (INACTIVE) (1990); State of Missouri (2010).

REPORTED CASES

Adkins v. US WEST Communications, Inc., 181 F.Supp. 2d 1189 (D. Colo. 2001). Successful defense of multi-plaintiff employment discrimination case including labor law preemption issues.

Doll v. U S WEST Communications, Inc., 85 F.Supp. 2d 1038 (D. Colo. 2000). Ruling on issue of first impression in Colorado: Employees covered by a labor agreement may not bring a claim of wrongful discharge in violation of public policy.

P.D.B. Sports, Ltd. v. Commissioner of Internal Revenue, 109 T.C. 423 (1997), with Richard P. Slivka, Esq. Successful defense on issue of amortization of professional sports contracts under the Internal Revenue Code.

Johnson v. Potter, 931 F.Supp. 761 (D. Colo. 1996), with Richard P. Slivka, Esq. Successful dismissal of probate claim based on lack of federal jurisdiction.

Sierra Club v. Colorado Refining Company, 852 F. Supp. 1476 (D. Colo. 1994), with Daniel Patterson, Esq. Successful preemption defense of Clean Water Act citizen's suit.

OTHER PUBLICATIONS

“At-Will Employment No Longer the Norm in Colorado”

The Colorado Journal, Vol. 20, No. 44 p. 11 (Nov. 1, 1996).

Discussion of recent developments in the Colorado Supreme Court limiting doctrine of at-will employment.

“Preempting and Prosecuting Clean Water Act Citizen Suits”

The Colorado Lawyer, Vol. 25, No. 3, p. 75 (March, 1996).

Discussion of the Clean Water Act's requirement that state clean water law administrative penalty enforcement be comparable to the Act's administrative penalty enforcement scheme in preempting and prosecuting citizen law suits.

“Streamline Costs by Amending Benefit Plans”

The Denver Business Journal, (June 23-29, 1995).

Discussion of reducing the financial liability of retiree non-vested welfare benefit plans.

SKILLS – INTERESTS

Diving; Motorcycling; German; Mentoring younger professionals; Home remodeling and landscaping; Refinishing and restoring antique furniture and veneers; Modeling wooden ships.