



The Oklahoma Business Ethics Consortium

and

McAfee & Taft

present

Ethical Issues in the 21st Century Legal World

W. Kirk Turner

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MCAFEE & TAFT

W. Kirk Turner

Shareholder

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Overview

For more than 30 years, Kirk Turner has represented companies and management exclusively in all aspects of labor and employment law, with a specific emphasis on litigation before federal and state courts, regulatory and administrative agencies, and in arbitration matters. He has particularly extensive experience defending employers in discrimination, harassment and civil rights matters, and routinely represents management in proceedings before the National Labor Relations Board, Equal Employment Opportunity Commission, Department of Labor, and Occupational Safety and Health Administration.

As part of his comprehensive labor and employment practice, one of Kirk's passions is helping corporate clients manage their risks and ensure safe, compliant workplaces by providing on-site workforce training. He holds the distinction of having one of the most active live, in-person training practices in the region and is particularly regarded for his engaging, interactive presentation style and his ability to effectively break down and communicate complex legal concepts and other workplace topics in ways that resonate with front-line employees, supervisors and managers, and HR professionals and executive alike. He is frequently engaged to develop and customize training programs on a wide variety of topics, including leadership skills, anti-discrimination and anti-harassment, interviewing and hiring, discipline and termination, employee rights and protections under state and federal law, drug and alcohol testing, employee handbooks and enforcement of company policies, wage and hour issues, and workplace safety.

Kirk's client list includes employers from virtually every major industry across the country. His experience in defending thousands of cases over his career makes Kirk a valued partner in helping clients navigate through and obtain successful results in litigation and other employment-related challenges.

Kirk has previously served as leader of the firm's Labor and Employment Group, one of the largest of its kind in the region.

Admissions

Oklahoma, 1989

Arkansas, 2006

U.S. District Courts for the Northern, Western and Eastern Districts of Oklahoma

U.S. District Court for the District of Colorado

U.S. District Courts for the Western and Eastern Districts of Arkansas

U.S. Courts of Appeals for the Fifth and Tenth Circuits

U.S. Tax Court

U.S. Supreme Court

Education

J.D., University of Arkansas, 1989

B.S., Arkansas Tech University, 1986

In addition to his private practice, Kirk has served in leadership positions for a significant number of professional industry groups on a local, state and national level. He has served on the board of directors for the Tulsa Area Human Resources Association (TAHRA) for two decades, previously served as the organization's president in 2002-2003, and currently serves as its general counsel and vice president of legislative affairs. He served five terms as the vice president of legislative affairs and general counsel for the Oklahoma State Council for Human Resource Management, an affiliate of the Society for Human Resource Management, and is a past board member of the Tulsa Equal Employment Opportunity Coordinators' Association. Kirk has served on the State Chamber of Oklahoma's Human Resources Committee and Legislative Affairs Committee, been a member of the National Employee and Labor Relations Committee for the Society for Human Resource Management, and has served as general counsel for the Tulsa Better Business Bureau. He currently serves as general counsel for WorkForce Tulsa.

Kirk's achievements have earned him inclusion in *The Best Lawyers in America* (employment law-management; labor law-management; labor and employment litigation), *Oklahoma Super Lawyers* ("Top 50 Oklahoma Lawyers"), and *Chambers USA Guide to America's Leading Lawyers for Business*, where he has been recognized for his "impressive litigation practice" as well as his specialized knowledge of labor and employment issues affecting the motor dealership industry.

Prior to joining McAfee & Taft, Kirk served as a director and the leader of the Labor & Employment Law Group at Newton, O'Connor, Turner & Ketchum, a law firm he co-founded in 1995.

Honors and Awards

- Listed in the *Chambers USA Guide to America's Leading Lawyers for Business*
- Named a "Labor & Employment Star – South" by *Benchmark Litigation*
- Consistently selected by peers for inclusion in *The Best Lawyers in America* (employment law-management; labor law-management; labor and employment litigation)
- Regularly listed in *Oklahoma Super Lawyers*
- Named to *Oklahoma Super Lawyers'* list of "Top 50 Lawyers"
- Rated AV Preeminent by Martindale-Hubbell Peer Review Ratings

Professional Organizations and Memberships

Tulsa County Bar Association (Labor & Employment Law Section)

Oklahoma Bar Association (Labor & Employment Law Section)

Arkansas Bar Association (Labor & Employment Law Section)

American Bar Association (Labor & Employment Law Section)

Tulsa Area Human Resources Association (General Counsel and Vice President of Legislative Affairs)

Tulsa Equal Employment Opportunity Coordinators' Association (Former Board Member)

Oklahoma State Council for Human Resources Management (Former Legislative Affairs Director and General Counsel)

Society for Human Resource Management (National Employee and Labor Relations Committee)

Tulsa Automobile Dealers Association (Former Executive Director and General Counsel)

National Association of Dealers Counsel

Civic Involvement and Leadership

Metro Tulsa Chamber of Commerce, Board of Advisors

Metro Tulsa Chamber of Commerce, Labor and HR Advocacy Task Force/OneVoice

Better Business Bureau of Tulsa (Former General Counsel)

WorkForce Tulsa (General Counsel)

State Chamber of Oklahoma (Member, Human Resources Committee and Legislative Affairs Committee)

- Honored with the Oklahoma State Council for Human Resources Management Excellence Award (2007)
- Honored with the Tulsa Area Human Resources Association's Excellence award (2003)
- Honored with the Tulsa Area Human Resources Association's President's Award (2001)



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Why is This So Important?

- From a legal standpoint, your managers and supervisors are "the Employer"!
- How they manage employees' employment will either protect your organization from, or subject your organization to, liability.
- Correctly spotting and navigating legal and ethical issues is a critical skill for any good leader.

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Why is this so important?

- Too much risk!
 - Employees Leave
 - Distraction
 - Reputation
 - Employee Morale
 - Negative Publicity
 - Lawsuits and Charges
 - Legal Fees and Expenses
 - Liability for Damages

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Leaders

L

egal Compliance

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- Not optional
- Ignorance of the law is no excuse
- It's what you must do!



Ethical Behavior




- What is your culture?
- Transparent and above reproach
- Risk management
- It's what you should do!

 LeAders


A


Accepts & Expects
Accountability



 LeAders


- Standards and expectations should be well defined and clearly communicated
- No surprises!
- To hold others accountable, you must be accountable
- Employment is a privilege!



 LeaDers

D

ocument,
Document,
Document





LeaDers

- If it's not in writing, it didn't happen!
- Creating "evidence"
- Refreshes recollection
- Juries/Judges/Investigators expect it

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LeadErs

E

ngagement

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LeadErs


- Know, abide by, and enforce your employer's policies and procedures.
- Consistent application – "I don't care!"
- Contemporaneous communication with HR will ensure ethical treatment and great evidence of fair and consistent process.

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 Leade**RS**

Repeatedly Consistent
and Reports Concerns

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 Leade**RS**

- Best employee/worst employee
- Not everyone's best friend
- The critical importance of reporting!

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 Leader**S**

Smart

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LeaderS

- Don't get too comfortable at work!
- Electronic communications/recordings
- Someone is always watching you – it matters!
- Thoughtful, not emotional

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LEADERS

- Legal Compliance
- Ethical Behavior
- Accepts and Expects Accountability
- Document, Document, Document!
- Engagement
- Repeatedly Consistent and Reports Concerns
- Smart

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**This material was prepared by
McAfee & Taft and is not
intended as legal advice.**

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