

M. Daniel McGinn

Partner



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OFFICE

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Dan McGinn has been representing and advising businesses in labor and employment matters since joining Brooks Pierce in 1971. With a background in labor and employment, he has been involved in every aspect of the field, including representing employers before the EEOC and NLRB.

MY PRACTICE

EMPLOYMENT LITIGATION

Dan has represented companies in more than 100 labor and employment civil suits in federal and state courts and in more than 150 labor arbitration hearings. He has appeared in oral arguments in 15 cases before the U.S. Fourth Circuit Court of Appeals, and has also appeared before the U.S. Supreme Court.

In addition to his representation in litigation, Dan provides counsel to employers on a variety of labor-related issues, including union contract negotiations and union organizational campaigns.

The 2019 *Chambers USA* guide states that "Daniel McGinn possesses a wealth of experience in labor and employment disputes, particularly in cases concerning discrimination and whistle-blower claims. Sources consider him to have 'a good reputation for being both zealous and reasonable.'"

PRACTICE AREAS

Employment
› Employment Litigation
› Union and Labor Issues

INDUSTRIES

Education
Manufacturing
Media, Publishing, & Communications
Not-for-Profits
Retail
Technology
Telecom
Transportation
Utilities

EDUCATION

Wake Forest University School of Law
J.D., 1967, *cum laude*; Associate
Editor, *Wake Forest Law
Review*, 1966-67

Wake Forest University
B.A., 1964, *magna cum laude*

BAR & COURT ADMISSIONS

North Carolina
US Supreme Court
US Court of Appeals
4th Circuit
US District Court - North Carolina
Western District
Middle District
Eastern District

The businesses Dan has worked with include:

American Telephone and Telegraph Company (AT&T)

BellSouth

Burlington Industries, Inc.

Carolina Telephone & Telegraph Company

Domtar Paper Company

Hearst Corporation

ITG Brands

Libbey Owens Ford Company

Olin Corporation

GTE

The Kroger Company

Norfolk Southern Corporation

Sprint Corporation

Time Warner Cable

Volvo Trucks, N.A.

Western Electric Company

Weyerhaeuser Company.

EEOC REPRESENTATION

Dan has decades of experience representing employers in EEOC lawsuits, including unfair labor practice hearings. He regularly defends employers in a wide range of industries against charges of racial, gender, and age discrimination; unlawful termination; and retaliation.

Dan developed his practice in employment law in the early 1970s, working alongside Thornton Brooks, who was known at the time as one of the leading employment lawyers in North Carolina. He was able to see the development of EEOC and civil rights regulations in real time, and understands the myriad of implications these regulations have for employers. Dan puts that historical understanding of EEOC laws to work, counseling employers on how to avoid claims of discrimination and unfair labor practices.

NLRB REPRESENTATION

Dan previously worked for the National Labor Relations Board's regional office in Winston-Salem, and has an in-depth understanding of NLRB-related issues. Dan represents numerous employers before the NLRB against unfair labor charges brought by unions and employees.

He also counsels employers on union organization issues and campaigns, develops union avoidance strategies, and drafts and negotiates union contracts. He has worked with businesses in a variety of industries, including food service, transportation, tobacco production, manufacturing, and telecommunications.

Recognized as a "Labor and Employment Star" by [Benchmark Litigation](#) (2019, 2020)

Selected by his peers for inclusion in [The Best Lawyers in America](#) in Litigation - Labor and Employment (Greensboro "Lawyer of the Year" 2019), Employment Law – Management, and Labor Law - Management (1993-2020)

Recognized in [North Carolina Super Lawyers](#) (Thomson Reuters) in Employment and Labor Law (2006-2020) and Top 100 (2006, 2008-2009, 2012-2015)

Recognized in [Super Lawyers Business Edition](#) in Employment & Labor Law (2015)

Recognized by [Chambers USA: America's Leading Lawyers for Business](#) for Labor and Employment Law (2004-2019)

Recognized by [Benchmark Litigation](#) as a "Local Litigation Star" in Labor and Employment Law (2017-2019)

Recognized by his peers for inclusion in *Business North Carolina's* "[Legal Elite](#)" in Labor and Employment (2002, 2004-2007, 2009, 2011-2014)

Jonathan R. Harkavy Award - Received from the Labor and Employment Section of the [North Carolina Bar Association](#) in 2010 (third lawyer to receive the award for overall contributions to labor and employment law)

COMMUNITY INVOLVEMENT

Fellow, [American College of Trial Lawyers](#)

Employment Law Committee, Labor and Employment Law Section, [American Bar Association](#)

Development Committee, North Carolina Bar Foundation (2006 – present)

Legal Counsel and Executive Committee member, [United Way of Greater Greensboro](#) (2011-present)

Chair, [Wake Forest Law School](#) Law Alumni Council (1996-97)

Member, [Wake Forest Law School](#) Board of Visitors (1999 – present)

Chair, North Carolina Labor & Employment Law Section (1987-88)

National Labor Relations Board Strikes Arbitration Agreement, December 20, 2019

US Department of Labor Clarifies Impact of Fringe Benefits on Overtime, December 18, 2019

US Department of Labor Announces Final Rule on New Salary Levels for White Collar Overtime Exemptions, September 25, 2019

Brooks Pierce Attorneys, Practice Areas Earn Top Rankings from Chambers USA, May 26, 2017

Department of Labor "Overtime Rule" Enjoined by U.S. District Court, November 23, 2016

U.S. Department of Labor Publishes New Overtime Regulations, May 20, 2016

Wake Forest Law Review Names Annual Banquet After Attorney Dan McGinn, May 11, 2016

Dan McGinn Wins NC Bar Association Award, November 9, 2010