



## DANIEL K. O'TOOLE

### PARTNER

St. Louis, MO

314.552.6612

[dotoole@atllp.com](mailto:dotoole@atllp.com)



Dan O'Toole, a respected leader and trial strategist, is a key member of Armstrong Teasdale's Litigation practice group and serves as chair of the Employment and Labor practice area.

In his practice, Dan defends employers against a broad range of complaints and threats of legal action involving workplace situations. Because of his background and achievements in employment and labor law, Dan has been recognized repeatedly by *Chambers USA*, *The Best Lawyers in America*, *Super Lawyers* and for the last several years was included as one of the "Top 50" lawyers in the St. Louis area. In addition, The Best Lawyers in America named him 2018 Lawyer of the Year in Employment Law.

His experience includes numerous trials and arguments before state and federal courts and administrative tribunals, including the Equal Employment Opportunity Commission, the Missouri Human Rights Commission and the U.S. Department of Labor.

The matters he handles include allegations of discrimination and wrongful termination under the Family and Medical Leave Act, Title VII of the Civil Rights Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Missouri Human Rights Act and other state and federal laws. This work encompasses the defense of employers against retaliation and whistleblower claims and other wrongful discharge allegations. In another area of employment law, Dan provides counsel on cases alleging the disclosure of trade secrets and violations of noncompete agreements.

Outside of the courtroom, Dan helps clients take steps to avoid costly lawsuits involving such personnel matters as workforce reductions, restructuring and compliance. His insights into the complex and rapidly changing world of employment and labor relations prepare clients to make sound business decisions in the alleviation, prevention and resolution of conflicts. Dan also drafts, reviews and improves policies, handbooks and employment contracts.

A dynamic, engaging and often humorous speaker, Dan is frequently invited to present training seminars on such employment law issues as supervisory duties, interviewing and screening job applicants, sexual harassment prevention and investigation and EEOC policies and procedures, and proper termination practices.

In his administrative position at Armstrong Teasdale, Dan plays an instrumental role in developing the firm's strategy for current and long-term growth. He is also a member of the firm's Contingent Fee Committee.

### SERVICES AND INDUSTRIES

Employment and Labor

Litigation

Noncompete and Trade  
Secrets

### ADMISSIONS

Missouri

Illinois

Arkansas

U.S. District Court, Eastern  
District of Missouri

U.S. District Court, Western  
District of Missouri

U.S. District Court, Southern  
District of Illinois

U.S. District Court, Eastern  
District of Arkansas

U.S. District Court, Western  
District of Arkansas

## EDUCATION

- University of Missouri School of Law (J.D., 1990)
  - Journal of Dispute Resolution, Volume 1990 (Lead Articles Editor)
- Southwest Missouri State University (B.A., 1987)

## PROFESSIONAL ACTIVITIES

- The Missouri Bar
- American Bar Association
- Armstrong Teasdale Executive Committee

## CHARITABLE AND CIVIC INVOLVEMENT

- Ronald McDonald House Charities of Metro St. Louis (Human Resources Committee)

## ACCOLADES

- Benchmark Litigation Labor & Employment Star - Midwest (2020)
- *The Best Lawyers in America*®; Labor and Employment Litigation, Employment Law—Management, Qui Tam Law (2008-present); Lawyer of the Year, Employment Law—Management (2016, 2018); Lawyer of the Year, Labor and Employment Litigation (2020)
- Selected as a 2013 Top Rated Lawyer in Labor & Employment by *Martindale-Hubbell* and *American Lawyer Media* (ALM)
- [Missouri/Kansas Super Lawyers](#)® (2008-present); *Super Lawyers*®, Business Edition (2011-present); *Super Lawyers*®, Top 100 Missouri & Kansas (2010-2013); *Super Lawyers*®, Top 50 St. Louis (2010-present)
- *Chambers USA: America's Leading Lawyers for Business* for Labor and Employment Law, Band 1 (multiple years)
- AV® Peer Review Rated, *Martindale-Hubbell*

## EXPERIENCE

### Summary Judgment for Client on Failure to Accommodate Medical Restriction

Obtained summary judgment for client in federal district court on allegations the client had improperly failed to accommodate a medical restriction for an employee. After the summary judgment was reversed on appeal, we petitioned for and obtained a hearing en banc, where the Eighth Circuit vacated the panel's adverse opinion and affirmed summary judgment in favor of the client.

### Summary Judgment for Client Over Retaliation, Section 1981 Claims

Obtained summary judgment in the Eastern District of Missouri for a Fortune 100 client in a lawsuit alleging retaliation and Section 1981 claims. A former high-level manager

claimed he was demoted due to racial discrimination. We were able to present evidence showing the demotion was the result of ongoing performance issues.

## **THOUGHT LEADERSHIP**

September 24, 2019

**New Overtime Eligibility Rules Take Effect on Jan. 1, 2020**

August 8, 2018

**Prop A Fails: What It Means for Missouri Businesses**

May 22, 2018

**U.S. Supreme Court Holds Class Action Waivers In Employee Arbitration Agreements Enforceable**

July 6, 2017

**Gov. Greitens Signs "Employer-Friendly" Amendments to Anti-Discrimination Law**

May 9, 2017

**Missouri Legislature Sends "Employer-Friendly" Bill to Gov. Greitens**

February 2, 2017

**Missouri Legislature Passes Right-to-Work Law**

October 28, 2016

**Eighth Circuit Reinstates FCA Case Over Changed College Grades, Attendance Records**

February 15, 2016

**NLRB Finds Lieutenants Guarding Nuclear Power Plants Lack Supervisory Status**

October 27, 2015

**Appeals Court Rules Sexual Orientation Not Covered by the Missouri Human Rights Act**

October 15, 2015

**Judge Stops St. Louis Minimum Wage Increase Due to State Law**

October 8, 2015

**Upcoming Changes to Colorado Law on "Use It or Lose It" Vacation Policies**

July 15, 2015

**DOL Announces that Most American Workers Should Properly be Classified as Employees under the FLSA**

July 7, 2015

**NLRB Considers Combining Employees, Contract Labor in Bargaining Units**

July 1, 2015

**DOL Sets off Pre-July 4 Fireworks with Proposal to Double Income Level for Salaried Exempt Employees**

March 26, 2015

**U.S. Supreme Court Ruling Opens the Door to Interpretation of Pregnancy Discrimination Act**

March 20, 2015

**NLRB General Counsel Offers Guidance on Employer Policies and Rules**

November 17, 2014

**'Tis the Season to Be Merry — and Worry**

October 3, 2014

**NLRB Refines Test for Determining Independent Contractor Status Versus Employee Status**

June 26, 2014

**United States Supreme Court Finds Obama's NLRB Appointments Invalid**

June 18, 2014

**New NLRB Ruling Creates New Hazards for Employer Retaliation Policies**

April 1, 2014

**Do We Have to Pay Summer Interns?**