



Tracey O'Brien

SENIOR COUNSEL

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OVERVIEW

Tracey focuses on assisting federal contractors, including healthcare, life sciences and education clients, in compliance with employment laws and regulations.

Tracey O'Brien is co-lead of the firm's OFCCP Compliance team and a member of the firm's Labor & Employment practice group. Tracey is an experienced trial lawyer, defending clients against claims of discrimination, harassment, and retaliation and other related claims before administrative agencies and state and federal courts. She draws on her litigation experience to provide proactive guidance and counsel to clients on employment-related matters.

Tracey specifically focuses her practice on assisting federal supply and service as well as construction contractors and subcontractors with compliance obligations enforced by the Office of Federal Contract Compliance Programs (OFCCP). She has significant experience in the development and maintenance of affirmative action plans, and provides counsel on affirmative action best practices regarding outreach, recruiting, hiring, applicant tracking, and other regulated employment processes. Tracey prepares federal contractors and subcontractors for federal compliance evaluations or "audits" of affirmative action programs conducted by OFCCP, engages in conciliation discussions with OFCCP, and advocates on behalf of clients against OFCCP overreach in enforcement. She also assists clients with assessment of compensation data to ensure the absence of unlawful pay disparities, and provides training to clients on compliance with affirmative action obligations, applicant tracking, pay transparency laws, and EEO protections

Industries

Healthcare
Life Sciences

Services

HR Consultation & Training
Labor & Employment
OFCCP Compliance
Pay Equity
Workplace Diversity, Equity, & Inclusion

against discrimination, retaliation, and harassment. Tracey works with in-house counsel as well as HR teams across multiple industries, including the healthcare, education, banking, engineering, manufacturing, and research industries.

More generally, Tracey routinely assists clients with their task of maintaining compliance with continuously evolving state laws relating to personnel and leave policies, and with conducting adverse impact analyses related to reductions in force.

Experience

- Represented researchers and faculty members of four major universities who developed a biomedical device. Renegotiated and prepared a consulting agreement between the client and the third-party licensee of product. Predominate issues focused on protection of ownership rights of future inventions, and protection of clients' interests relating to prior obligations to universities, as well as more typical contract issues.
- Successfully defended a corporation against claims of age discrimination in all phases of litigation.
- Advised an offshore software company seeking entry into the U.S. market and assessed the probability of a successful launch. After presenting an array of options, the company chose a conservative course of action and began working with an incubator to conduct additional development.
- Represented the plaintiffs in a case that was received mid-litigation. Conducted additional research regarding the relationship between shell companies and individuals across the country. Wrote a detailed mediation brief based on depositions, discovery documents, and research which resulted in a favorable result for the client. After multiple years of litigation, the client commented that the clarity and detail in the mediation brief was critical to their understanding of the fraudulent scheme.
- Protected the interests of small business owners by writing and negotiating contracts and advising on legal issues and litigation avoidance.
- Represented clients in race, age, disability, gender and harassment claims before the U.S. District Court for the Eastern District of Missouri.

Experience

- Negotiated settlements and successfully litigated bench and jury trials in Missouri and Illinois state courts on civil matters including contract, discrimination, insurance defense and product liability cases.

Recognition

- JD Supra Readers' Choice Awards, Top Author, Labor & Employment, 2023

Education

- J.D., Washington University in St. Louis School of Law
 - Judge Myron D. Mills Administrative Law Award
- B.A., Saint Mary's College
 - Finance and Accounting

Admissions

- Missouri
- Illinois
- District of Columbia

Community Leadership

- Candidate Forums Moderator, League of Women Voters, 2018–present
- Pro Bono Litigation Attorney representing undocumented minors, Migrant Community Action Project, 2015-2017
- Mock Interviewer, National Council on Youth Leadership, 2009-2014
- Little League baseball coach, 2004-2009



JD Supra Readers Choice
Awards - Top Author 2023