



SUFFOLK ACADEMY OF LAW
The Educational Arm of the Suffolk County Bar Association
560 Wheeler Road, Hauppauge, NY 11788
(631) 234-5588

Lunch + Learn Program

HOW EMPLOYERS SHOULD CONDUCT AN INTERNAL INVESTIGATION

Faculty

James G. Ryan, Esq.
Hayley B. Dryer, Esq.
Cullen & Dykman, LLP

MAY 11, 2015
SCBA Center - Hauppauge, NY



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Garden City, NY 11530-4850
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AREAS OF PRACTICE

Commercial Litigation

Banking Litigation

Employment Litigation

General Commercial and
Contract

Real Estate, Zoning and Land
Use Litigation

Residential Foreclosures

Corporate

Not-for-Profit and Education
Law

ADMISSIONS

New York

New Jersey

U.S. District Court, Eastern
District of New York

U.S. District Court, Southern
District of New York

U.S. District Court, District of
New Jersey

U.S. Court of Appeals, Second
Circuit

EDUCATION

J.D., Benjamin N. Cardozo
School of Law

B.A., New York University

Hayley B. Dryer

Associate

Hayley Dryer is an associate in the firm's Commercial Litigation Department. Ms. Dryer represents corporate, utility and institutional clients in matters involving discrimination and harassment claims, breach of contract, covenants not to compete, breach of fiduciary duty, and civil rights issues. Her caseload includes matters involving Title VII, Title IX, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the New York State Human Rights Law and the New York City Human Rights Law. Ms. Dryer represents banking clients in actions involving contract disputes, land use and zoning matters as well as residential and commercial mortgage loans. Ms. Dryer's commercial litigation practice also focuses on energy related disputes arising out of the production and distribution of electric power.

Ms. Dryer has prepared and presented CLE seminars and training programs on workplace investigations, civil rights defense, employment claims, sexual harassment and discrimination in the workplace and Title IX compliance. She also helped create the firm's "Education Law" blog.

PAST EXPERIENCE

While in law school, Ms. Dryer was competitively selected by faculty committee for a yearlong clinical program at the Innocence Project. Ms. Dryer was also President of the Student Bar Association and received the Steven Eric Tanenbaum Leadership Award for exemplary service to the Cardozo community.





Hayley B. Dryer (Cont.)

Ms. Dryer worked as a law clerk for Cullen and Dykman during her third year of law school. During that time, Ms. Dryer performed legal research on employment, education, labor, banking, and public utility issues.

RECENT ARTICLES AND PUBLICATIONS

- *What Should Court 'Deliver' in Pregnancy Discrimination Case?* (*New York Law Journal*, March 23, 2015)
- New FLSA Regulations Set to be Released in First Quarter of 2015 Likely to Change America's Overtime Pay Landscape (March 17, 2015)
- New Jersey Set to "Ban the Box" Beginning on March 1, 2015 (February 16, 2015)
- Deflategate: Will the NFL Fumble Another Internal Investigation? (February 2, 2015)
- *Challenges in Conducting a Proper Investigation* (*New York Law Journal*, January 22, 2015)
- Can Saks Fifth Avenue Legally Discriminate Against Transgender Employees? (January 16, 2015)
- University of Virginia Suspends All Fraternities Amid Report of Sexual Assault Allegations (December 1, 2014)
- Title IX: A Shield Or A Sword? (*Nassau Lawyer*, November 2014)
- Dozens of Harvard Law Professors Publicly Criticize The University's Revised Sexual Harassment Policy (October 27, 2014)
- University of Florida Quarterback Is Reinstated After Accuser Withdraws Sexual Assault Complaint (October 14, 2014)
- Student Forced To Wear "Shame Suit" After Violating School Dress Code (September 12, 2014)
- "Did the 9th Circuit Drop the Ball? Court Rules in Favor of College Athlete for Video Game Likeness" (March 14, 2014)

UPCOMING AND RECENT SPEAKING EXPERIENCE

- Suffolk County Bar Association Seminar - *How Employers Should Conduct an Internal Investigation* (May 11, 2015)
- Federal Bar Association Webinar - *Challenges of Conducting A Proper Internal Investigation* (March 4, 2015, New York)
- CICU Seminar - *Effectively Addressing Sexual Misconduct on Campus: Title IX and Clery Act Compliance* (February 23, 2015, Albany, New York)
- NCBA Annual School Law Conference – *Title IX Compliance Issues In Light of New Federal Guidance* (December 8, 2014, Hauppauge, New York)





Hayley B. Dryer (Cont.)

- *Recognizing, Investigating and Preventing Workplace Claims* (June 20, 2014, Albany, New York)

PROFESSIONAL & COMMUNITY ACTIVITIES

Invited Member, National Association of Professional Women
Youth Leadership Board, Sunrise Day Camp
Team Leader, Making Strides Against Breast Cancer
Invited Member, New York City Bar Education & the Law Committee
New York State Bar Association
New York City Bar Association
Nassau County Bar Association
New York County Lawyers' Association
Federal Bar Association

HONORS & AWARDS

NEWS & SPEAKING ENGAGEMENTS

Hayley Dryer To Be Given "Rising Leader of the Bar Award" by Young Lawyers' Section of New York County Lawyers' Association, April 28, 2015
Sixteen Cullen and Dykman Attorneys Named to Super Lawyers Lists for 2015, April 28, 2015





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AREAS OF PRACTICE

Commercial Litigation
Alternative Dispute Resolution
Banking Litigation
Construction Litigation
Employment Litigation
Energy Litigation
General Commercial and Contract

Corporate

Construction Law
Not-for-Profit and Education Law

E-Discovery and Information Technology

Labor and Employment

ADMISSIONS

New York
Massachusetts
Maine
U.S. District Court, Eastern District of New York
U.S. District Court, Southern District of New York
U.S. District Court, Northern District of New York
U.S. District Court, Western District of New York
U.S. Court of Appeals, Second Circuit

EDUCATION

J.D., Fordham University School of Law, 1985

James G. Ryan

Partner

James Ryan is the head of the Commercial Litigation Department and is the chair of the firm's Employment Litigation practice. As head of the Commercial Litigation Department, Mr. Ryan has extensive experience in representing clients in financial services, corporate and energy related litigation in the federal and state courts, and in various forms of alternative dispute resolution.

Mr. Ryan's commercial litigation practice focuses on energy related matters which include a broad range of disputes arising out of the production, transportation, distribution and sale of natural gas, natural gas liquids and electric power. He also represents numerous financial institutions in matters involving the defense of "lender liability" claims or other allegation of lender misconduct, actions to recover unpaid obligations from principals and guarantors, foreclosure actions, and assertion of claims for fraud on the part of borrowers or their principals.

As chair of the firm's Employment Litigation practice, Mr. Ryan also regularly represents the firm's clients in cases involving discrimination claims, post employment covenants, breach of contract, breach of fiduciary duty, trade secrets, whistleblowers, proprietary information, unfair business practices, covenants not to compete, hiring, promotion, termination, discipline, reductions in force, and sexual harassment. His caseload also includes matters involving the Family and Medical Leave Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Fair Labor Standards Act, Title VII, HIPAA, Sarbanes-Oxley, FERPA, ERISA, the New York State Human Rights Law, and the New York State Labor Law. Mr.





James G. Ryan (Cont.)

B.S., Fordham University,
College of Business
Administration, 1982

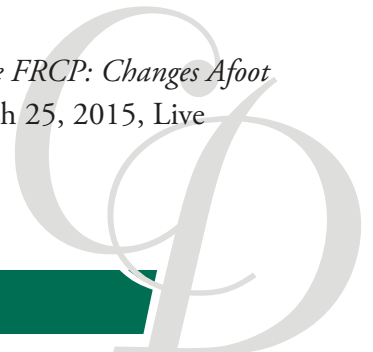
Ryan appears on behalf of the firm's clients in federal and state courts, before federal, state and local administrative agencies, and in mediation and arbitration proceedings relating to all of the aforementioned areas. He offers advice and training, including seminars and bulletins, on avoiding discrimination, employment, and education claims. Mr. Ryan also contributes articles to and comments for various publications concerning e-discovery, education, and employment matters. He also co-authors blogs on these issues.

In 2008, Mr. Ryan founded the firm's E-Discovery Practice Group. The E-Discovery Group provides cost effective, expeditious and practical solutions to even the most challenging issues involving electronically stored information so that a client can focus its resources on its business and operations. The E-Discovery Group also develops or reviews document retention policies to ensure compliance with the litigation hold process, e-discovery obligations and statutory/regulatory requirements. As a result of his lectures on e-discovery, in September, 2010, Mr. Ryan was appointed to the New York State Unified Court System E-Discovery Working Group and to its education subcommittee to develop educational materials, including CLE courses and a bench book, on e-discovery for the New York State judiciary and judicial staff.

Mr. Ryan grew up in Massachusetts, graduated from Fordham University School of Law in 1985 and has been a litigator with the firm since shortly after his graduation from Fordham. He became a member of the firm in 1995. Mr. Ryan is a trained mediator for the United States District Court for the Eastern District of New York.

UPCOMING AND RECENT SPEAKING EXPERIENCE

- Suffolk County Bar Association - *How Employers Should Conduct an Internal Investigation* (May 11, 2015)
- The Knowledge Group - *E-Discovery and the FRCP: Changes Afoot for Data Governance and Management* (March 25, 2015, Live





James G. Ryan (Cont.)

Webcast, New York)

- Federal Bar Association Webinar - *Challenges of Conducting A Proper Internal Investigation* (March 4, 2015, New York)
- CICU Seminar - *Effectively Addressing Sexual Misconduct on Campus: Title IX and Clery Act Compliance* (February 23, 2015, Albany, New York)
- Invited Speaker, E-Discovery and The Municipal Attorney: Compliance and Cost Control Issues. NYS Bar Association, Municipal Law Section (October 17-18, 2014)
- Invited Speaker, Thirty-Fifth Annual American Gas Association Legal Forum (July 15-17 2012)
- “*E-Discovery in Federal Litigation*” (June 20, 2012 Suffolk County Bar Association)
- “*Federal Discovery*” (May 30, 2012, Nassau County Academy of Law)
- “*E-Discovery in Federal Litigation*” (January 17, 2012)
- “*Hiring and Firing: Background Checks, Social Media, and Other Arresting Developments*” (October 25, 2011- Ali Aba Webcast)
- “*Electronic Discovery Update: New York State Case Law and Developments*” (June 14, 2011- Ali Aba Webcast)
- Electronic Discovery Presentation to the Appellate Division, First Department (May 2, 2011)
- “*E-discovery: What the Litigator Needs to Know to Avoid Professional Liability*” (June 7, 2010)
- “*Electronic Discovery – Avoiding Disaster*” (September 9, 2009)

ARTICLES AND PUBLICATIONS

- *What Should Court 'Deliver' in Pregnancy Discrimination Case?* (New York Law Journal, March 23, 2015)
- U.S. Supreme Court Addresses Disparate Impact Liability Under the Fair Housing Act (January 28, 2015)
- *Challenges in Conducting a Proper Investigation* (New York Law Journal, January 22, 2015)
- *Victory for Gay Marriage Doesn't Affect Workplace Rights* (New York Law Journal, January 2, 2015)
- Changing Times – A Guide to the Proposed Amendments to the Federal Rules of Civil Procedure (December 8, 2014)
- Title IX: A Shield Or A Sword? (Nassau Lawyer, November 2014)
- Governor Andrew Cuomo Proposes Plan to Combat Sexual Assault on SUNY Campuses (October 4, 2014)
- NCAA Passes Resolution Seeking To Clarify The Role of Athletic Departments in Campus Sexual Assault Investigations (August 28, 2014)





James G. Ryan (Cont.)

- Appeals Courts Issue Conflicting Decisions on Legality of Subsidies under the Affordable Care Act (July 29, 2014)
- Standing Committee Meets About the Proposed Amendment to the Federal Rule of Civil Procedure 37(e) (May 30, 2014)
- Supreme Court Expands Whistleblower Protections (March 31, 2014)
- Opened Web-based Emails Deemed “Electronic Storage” under the Stored Communications Act (January 24, 2014)
- Supreme Court Narrows Scope of Employer’s Liability for Title VII Claims against Co-workers (July 18, 2013)
- The Southern District Sends FLSA Claims to Arbitration (December 21, 2012)
- Judge Scheindlin Sends Federal Agencies a “Message” About Their E-Discovery Obligations Under the Freedom of Information Act (August 24, 2012)
- New York Appellate Division Adopts Zubulake Standard to Determine Which Party Should Bear the Cost of Producing ESI (March 20, 2012)
- NYSBA Releases Guidelines for the Best Practices In E-Discovery In New York State and Federal Courts (January 5, 2012)
- A Closer Look at Microsoft Outlook (October 28, 2011)
- NY Appellate Division Says Cost/Benefit Analysis Must be Conducted for Third-Party ESI (October 6, 2011)
- I Have a Duty to Preserve Social Media Content, but Now What? (September 19, 2011)
- Can You Insult Your Employer On Facebook? (September 8, 2011)
- Court Reminds Advocates the Importance of Making Timely Spoliation Motions (August 9, 2011)

PROFESSIONAL & COMMUNITY ACTIVITIES

- Adjunct Professor, Molloy College
- Appointed Member: New York State Unified Court System’s E-Discovery Working Group
- Serves on the Council of Overseers for the Tilles Center for the Performing Arts
- Board Member and Coach, Rockville Centre Soccer Club
- Former Chair, Rockville Centre Travel Soccer Program
- New York State Bar Association





James G. Ryan (Cont.)

- Nassau County Bar Association
- Massachusetts Bar Association
- Mediation Panel of the U.S. District Court, Eastern District of New York
- Judicial Screening Committee of the Nassau County Bar Association
- Federal Bar Council

HONORS & AWARDS

Mr. Ryan maintains an AV "pre-eminent" rating from Martindale-Hubbell. He was selected to the 2012, 2013 and 2014 New York Super Lawyers lists for his high degree of peer recognition and professional achievement. In September, 2010, Mr. Ryan was appointed to the New York State Unified Court System E-Discovery Working Group and to its education subcommittee to develop educational materials, including CLE courses and a bench book, on e-discovery for the New York State judiciary and judicial staff. In July 2014 he was appointed to Judicial Screening Committee of the Nassau County Bar Association.

NEWS & SPEAKING ENGAGEMENTS

Sixteen Cullen and Dykman Attorneys Named to Super Lawyers Lists for 2015, April 28, 2015

James Ryan Quoted In USA Today on Silicon Valley Discrimination Lawsuit, *USA Today*, March 13, 2015

CICU Seminar - Effectively Addressing Sexual Misconduct on Campus: Title IX and Clery Act Compliance, February 23, 2015

James Ryan Quoted in New York Times on the University of Virginia's Decision to Reinstate Fraternity at Center of Rolling Stone Article, *New York Times*, January 12, 2015

James Ryan Quoted in New York Times on Jameis Winston Lawsuit, *New York Times*, January 8, 2015

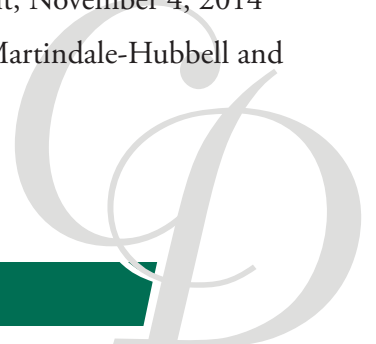
James Ryan Quoted by Associated Press on High Profile Sexual Misconduct Case, December 19, 2014

James Ryan Quoted by Chronicle of Education on University of Florida Sexual Misconduct Case, December 19, 2014

James Ryan Quoted by New York Times Regarding College Quarterback's Sexual Misconduct Proceeding, December 5, 2014

James Ryan Interviewed in USA Today Concerning NFL Concussion Suit Settlement, November 4, 2014

James G. Ryan is named as a 2014 "Top Rated Lawyer" in the area of litigation by Martindale-Hubbell and the New York Law Journal., September 30, 2014





James G. Ryan (Cont.)

Cullen and Dykman Partner named 2014 "Top Rated Lawyer" in Litigation, August 25, 2014

Wall Street Journal quotes Cullen and Dykman LLP partner, James G. Ryan, in racial profiling case brought against Barneys, *Wall Street Journal*, August 12, 2014

James Ryan Quoted by Associated Press on O'Bannon-NCAA Litigation

James Ryan, Thomas Wassel and Robert Wakeman Conduct Seminar on "Wage/Hour Issues and Self-Directed Services" for Interagency Council, June 11, 2014

James Ryan and Thomas Wassel Conduct Seminar on Wage and Hour Issues for NYSARC, February 21, 2014

Eight Cullen and Dykman Attorneys Named 2013 Super Lawyers, October 3, 2013

James G. Ryan named a 2013 Top Rated Lawyer in Labor & Employment, *The American Lawyer & Corporate Counsel magazine - February 2013 issue*

James G. Ryan an Invited Speaker at the Thirty-Fifth Annual American Gas Association Legal Forum, July 17, 2012

James G. Ryan a Featured Presenter to the Nassau County Bar Association, May 30, 2012

Hiring and Firing: Background Checks, Social Media and Other Arresting Developments, October 25, 2011

Two Cullen and Dykman Partners Invited to Serve on New York State Chief Administrative Judge Ann Pfau's Task Forces Involving Electronic Discovery and Foreclosures, 2011

