

Emily S. Pontius

Shareholder

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PRIMARY SERVICES

- > Employment & Labor
- > Litigation
- > Internal Investigations



Overview

Emily is an experienced advisor and litigator for employers.

Emily defends employers against allegations of sex discrimination, age discrimination, race discrimination, FMLA and ADA violations, wrongful termination in violation of public policy, and tortious interference.

To help employers maintain a productive workplace and avoid litigation, Emily partners with clients to provide supervisor and manager training, investigate internal discrimination complaints, provide reasonable accommodations to disabled employees, and navigate issues surrounding family and medical leave.

Emily also provides specialized advice and litigates on behalf of colleges and universities in disputes concerning faculty discipline, tenure and promotion, student conduct, and accommodation of students with disabilities. Prior to practicing law, Emily worked in higher education administration, supervising employees and gaining director-level experience in student judicial affairs and residence life. She draws on this experience when working with higher education clients.

Experience

REPRESENTATIVE EXPERIENCE

- *Roys v. Upper Iowa University* (N.D. Iowa 2017). Obtained summary judgment for employer in FMLA entitlement and discrimination case initiated by a former administrator.
- Led Title IX investigation into student complaint of misconduct by a tenured professor at a private university, and defended a private university in a breach of contract lawsuit brought by a former professor discharged after accusations of sexual harassment.
- Conducted internal investigation of a sexual harassment complaint for a professional sports organization.
- Reviewed university-wide and athletic department employment policies for a large public university.
- Member of legal team that conducted an internal investigation of a Big Ten athletic department following allegations of sexual harassment and the athletic director's resignation.
- Serves as outside general counsel to private university with a residential campus in Iowa and instructional locations throughout the U.S. and internationally.

- *Minnihan v. Mediacom Communications Corp.*, 779 F.3d 803 (8th Cir. 2015). Successfully argued to affirm summary judgment for employer in case alleging disability discrimination.
- *Gray v. Harding and Haynes*, 807 N.W.2d 296, WL 4578481 (Iowa Ct. App. 2011). Successfully argued to affirm summary judgment for two Wells Fargo executives in case brought by a former employee alleging tortious interference and fraudulent misrepresentation.
- *American Arbitration Association employment proceeding*, September 2010. Obtained a reasoned decision in favor of a financial services client in a FMLA case after a four-day evidentiary trial. The U.S. District Court for the Southern District of Iowa confirmed the award.

Articles & Presentations



PUBLICATIONS & PRESENTATIONS

- Co-Presenter, “Mental Health Issues in the Workplace,” Fredrikson & Byron’s Employment and Labor Law Webinar Series, December 17, 2019
- Co-Presenter, “Federal and State Update 2019,” Fredrikson & Byron’s 35th Annual Employment & Labor Law Seminar, November 7, 2019
- Co-Presenter, “Mental Health Issues in the Workplace,” Fredrikson & Byron’s 35th Annual Employment & Labor Law Seminar, November 7, 2019
- Presenter, “Workplace Mental Health Issues,” Fredrikson & Byron’s Employment Law Seminar, Des Moines, IA, October 4, 2019
- Co-Presenter, “Investigating Complaints in Today’s Workplace,” Fredrikson & Byron Event, May 23, 2019
- Co-Presenter, “2018 Employment Law Trends,” Fredrikson & Byron’s 34th Annual Employment & Labor Law Seminar, November 1, 2018
- Co-Presenter, “The Changing Workplace: How to Practically Address Accommodating Religion in the Workplace,” Fredrikson & Byron’s 34th Annual Employment & Labor Law Seminar, November 1, 2018
- Presenter, “Sexual Harassment: How #MeToo Impacts Prevention and Response Strategies,” Fredrikson & Byron’s Employment Law Seminar, West Des Moines, IA, September 27, 2018
- Co-Presenter, “Sexual Harassment: What Should Employers Do Now?” Fredrikson & Byron Employment & Labor Law Program, May 16, 2018
- Presenter, “FMLA and ADA Cases: Turning Precedent into Practice,” Fredrikson & Byron’s Employment Law Seminar, West Des Moines, IA, September 27, 2017
- Co-Author, “Model Policies and Forms for Iowa Employers,” American Chamber of Commerce Resources, 2016
- Presenter, “Preventing Workplace Harassment,” Fredrikson & Byron’s Employment Law Seminar, Des Moines, Iowa, October 6, 2016
- Presenter, “Disability, Pregnancy and Religious Accommodation Tribulations,” Fredrikson & Byron’s Employment Law Seminar, Des Moines, Iowa, September 24, 2015
- Presenter, “Your Deposition: Practical Tips for the Human Resources Professional,” Society for Human Resource Management, Central Iowa Chapter, April 2015
- Presenter, “Facing the Occupational Hazard: Managing the Risk of Individual Liability in the Human Resources Profession,” Society for Human Resource Management, Central Iowa Chapter, Legal and Legislative Conference, February 2015

Honors & Education

EDUCATION

- The George Washington University Law School, J.D., 2006
- Indiana University, M.S. Higher Education and Student Affairs, 2000

- Iowa State University, B.A., 1998, *with distinction*

BAR ADMISSIONS

- Iowa, 2006
- U.S. Court of Appeals for the Eighth Circuit, 2014
- U.S. District Court for the Northern District of Iowa, 2006
- U.S. District Court for the Southern District of Iowa, 2006

HONORS

- *Chambers USA: America's Leading Lawyers for Business*, Iowa – Up and Coming: Labor & Employment, 2018-present
- *The Best Lawyers in America*, Employment Law – Management, 2019-present
- *The Best Lawyers in America*, Litigation – Labor and Employment, 2018-present

Professional Activities

PROFESSIONAL ACTIVITIES

- Council Member, Iowa State Bar Association Labor and Employment Section
- Chair, Iowa State Bar Association Labor and Employment Section, 2016-2018
- National Association of College and University Attorneys (NACUA)
- Society for Human Resource Management and Central Iowa Society for Human Resource Management (SHRM and CI-SHRM)







COMMUNITY

- Greater Des Moines Leadership Institute
- Des Moines Metro Opera Board of Directors and Executive Board, Present
- Drake University Head Start Policy Council and Advisory Board, 2008-2012
- Personnel Committee, Plymouth Church

OUR LOCATIONS

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|---------------|--------------------|------------|-------------------|
| 📍 Minneapolis | 📍 Mankato | 📍 Bismarck | 📍 St. Paul |
| 📍 Des Moines | 📍 Saltillo, Mexico | 📍 Fargo | 📍 Shanghai, China |

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