



KINSEY O'BRIEN

Partner

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Kinsey represents and advises private and public employers in all aspects of labor and employment law. She regularly counsels employers on compliance with federal wage and hour laws, worker classification issues, inclusive hiring and employment practices including leave and accommodation management, avoidance of discrimination, harassment, and retaliation claims, discipline, and discharge, and workplace policies and handbooks. Working with her clients as a strategic business partner, Kinsey helps management and human resource professionals mitigate risk through all phases of the employment relationship.

Kinsey is also highly experienced in conducting and advising clients on investigations into alleged harassment, discrimination, retaliation, and other misconduct by employees.

Kinsey also regularly defends employers in a broad array of employment-related litigation, including allegations involving discrimination, harassment, retaliation, leave and accommodations, whistleblower actions, contract disputes, and federal and state wage and hour statutes. She is experienced in all phases of litigation, including handling administrative charges and investigations, drafting pleadings, conducting discovery, motion practice, class and collective certification issues, mediation and settlement negotiations, and trial.

Before joining Hodgson Russ, Kinsey worked for a law firm in Buffalo. She also clerked for the United States Attorney's Office, Western District of New York and worked in the office of a United States Senator.

Honors

- Listed, *Upstate New York Super Lawyers* Rising Stars (Employment & Labor) 2016 - 2022
- Recipient of the John N. Bennett Award for Highest Academic Achievement in Graduating Class

The Guaranty Building
140 Pearl Street
Suite 100
Buffalo, NY 14202

Practices & Industries

Cannabis & Hemp
Education
Employment Litigation
Equine
Home Care
Labor & Employment
Wage & Hour

Admissions

New York
U.S. District Court, Western District of New York
U.S. Bankruptcy Court, Western District of New York

Education

University at Buffalo, B.A., *Summa Cum Laude*
University at Buffalo School of Law, J.D., *Summa Cum Laude*

KINSEY O'BRIEN

- *Winning Team and Best Appellate Brief*, Charles S. Desmond Memorial Moot Court Competition
- *Second Place Appellate Brief, NYC Regional*, American Bar Association National Appellate Advocacy Competition
- Former publications editor and former associate editor, *Buffalo Law Review*
- Former member, *Buffalo Human Rights Law Journal*
- Former fellow, Buffalo Public Interest Law Program

Experience

Hodgson Russ attorneys successfully defended an attempt by the New York State Department of Economic Development, Division of Minority and Women's Business Development to revoke a client's certification as a Women-owned Business Enterprise (WBE).

In the News

Employers, Don't Try to Diagnose Behavioral Health Conditions
Buffalo Business First, October 20, 2022

Webcast Speakers: Cannabis Legalization Passed, But Much Remains To Be Done
The Trusted Professional, April 22, 2021

Thought Leaders - COVID-19 and Work Safety
Buffalo Business First, October 30, 2020

Questions still surround changes to New York state's paid leave laws
Buffalo Law Journal, October 21, 2020

Equal grounds: Employers must do more to promote workplace pay equity
Buffalo Law Journal, October 18, 2019

BNHRA Annual Legal Update
Speaking Engagement, September 17, 2019

Second Draft for On-Call Employment Regs is Out
Buffalo Law Journal, February 19, 2019

Press Releases

Fifty-Nine Hodgson Russ Attorneys Ranked in 2022 Edition of Upstate New York Super Lawyers
Hodgson Russ Press Release, August 23, 2022

Hodgson Russ Announces New Partners
Hodgson Russ Press Release, December 16, 2021

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Fifty-Four Hodgson Russ Attorneys Ranked in 2021 Edition of Upstate New York Super Lawyers
Hodgson Russ Press Release, August 20, 2021

Kinsey O'Brien Appointed Chair of the Labor Law Committee of the Bar Association of Erie County
Hodgson Russ Press Release, June 21, 2021

Sixty-Two Hodgson Russ Attorneys Named to 2020 Upstate New York Super Lawyers
Hodgson Russ Press Release, September 8, 2020

Sixty Hodgson Russ Attorneys Named to 2019 Upstate New York Super Lawyers
Press Release, August 12, 2019

Hodgson Russ Announces Eight Newly Elected Partners, Five Attorneys Promoted to Senior Associate
Press Release, January 8, 2019

Sixty-One Hodgson Russ Attorneys Named to 2018 Upstate New York Super Lawyers
Press Release, August 20, 2018

Seventy Hodgson Russ Attorneys Named to 2017 Upstate New York Super Lawyers, Hugh Russ Listed Among Top 50
Press Release, September 6, 2017

Publications

New York HERO Act Amended to Enhance Enforcement Provisions and Penalties Related to Workplace Safety Committees
February 28, 2023

Federal and New York State Legislation Expands Protections for Pregnant and Nursing Employees
February 22, 2023

New Poster Requirement in New York for Veterans' Benefits and Services
February 21, 2023

New York Law Now Requires Electronic Versions of All Mandatory Workplace Postings
February 17, 2023

New York State Department of Labor Publishes Proposed Changes to Sexual Harassment Prevention Model Policy
February 7, 2023

Governor Hochul Signs New York State's First Statewide "Pay Transparency" Law
Hodgson Russ Labor & Employment Alert, December 28, 2022

New York State Minimum Wage Increased for Upstate Employees and Related Developments
Hodgson Russ Labor & Employment Alert, December 27, 2022

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New Year, New Home Care Laws: Medicaid-Funded Home Health Care Services Must Implement EVV by January 1, 2023
Hodgson Russ Home Care Alert, December 20, 2022

U.S. Department of Labor Proposes New Independent Contractor Rule for Federal Wage and Hour Purposes
Hodgson Russ Labor & Employment Alert, October 26, 2022

Key Election Day Reminders for New York Employers
Hodgson Russ Labor & Employment Alert, October 24, 2022

Presentations & Events

27th Annual Labor & Employment Conference
Buffalo Marriott Niagara 1340 Millersport Hwy, Amherst, NY 14221, January 12, 2023

BNHRA Legal Update Breakfast
BNHRA, The Foundry, September 21, 2022

Marijuana and the Workplace
Capital Region BOMA, Albany Capital Center, April 28, 2022

What the Renewable Energy Industry Needs to Know Now - Key Labor & Employment Updates for 2022
February 3, 2022

New York Government Finance Officers' Association Western Holiday Seminar
New York Government Finance Officers' Association, RIT Conference Center, Rochester, December 9, 2021

2021 Labor & Employment Webinar Series
November 19, 2021

NYS Society of Human Resources Management Virtual Conference
NYS Society of Human Resources Management, November 19, 2021

The Legalization of Recreational Marijuana
New York State Bar Association, Saratoga Springs, NY, October 15, 2021

Legal Update
Buffalo Niagara Human Resource Association, September 28, 2021

The 2021 AGC NYS/Posillico Civil Summer Meeting
August 7, 2021

Professional Affiliations

- New York State Bar Association
- Women's Bar Association of the State of New York, State Director

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- WNY Chapter of the Women's Bar Association of the State of New York, President-Elect 2022-2023
- Bar Association of Erie County, Labor Law Committee, Chairperson
- Leadership Buffalo *Class Experience 2022*

Community & Pro Bono

- Locust Street Neighborhood Art Classes, Inc., Board President, 2016 - Present, and Board Member, 2014 - Present