

NEWSMAKER

Employment law offers McGrath window to 'real world'

BY CHRIS GRENZ | STAFF WRITER

In some ways, defending ministers against claims of sexual misconduct are some of the easier cases lawyer Pat McGrath handles.

That's not to say the cases are simple for McGrath, chairman of the employment law department at Wallace Saunders Austin Brown & Enochs Chtd. But defending ministers and churches sometimes puts McGrath "in an easier position" than defending a business, he said.

"The nice thing about representing religious organizations is that they not only want to do the legally correct thing, but they always want to do the morally proper thing," McGrath said. "The legal requirements are easy to satisfy because typically (being morally proper) will involve going above and beyond what their legal obligations are. And that's OK because that's the business that they're in."

Defending ministers has become a bit of a specialty for McGrath, an outgrowth of his having handled more than 100 cases for charities, not-for-profit religious organizations and churches.

Still, McGrath said that about 80 percent of the cases he handles involve companies that have been sued regarding some employment law issue. The balance of his work is as a plaintiff's attorney in cases in which he feels the client has "meritorious issues." In many of these cases, McGrath is the only lawyer the client knows, and he sometimes takes the cases on a pro bono basis because the client is unable to afford an attorney.

"Employment law offers you the opportunity to get out in the real world and deal with real people with serious issues," he said. "The variety of different employers out there creates an environment where the facts are always different, the personalities are always differ-



PAT MCGRATH

Title: Chairman, employment law department, Wallace Saunders Austin Brown & Enochs Chtd., where he also is a shareholder, director and vice president

Age: 42

Family: Wife, Adele; children, Joseph, 5, and Maeve, 3

Education: Bachelor's in philosophy, University of Kansas, 1986; law degree, KU, 1989

Hobbies: Family, travel and reading

DAVE KAUP | KCBJ

Pat McGrath says he only wants to take cases "where I believe I'm furthering the interests of justice, fairness and morality."

ent, and the job is never boring, mundane or repetitive."

David Frye, a partner with Lathrop & Gage LC, used to work with McGrath at Wallace Saunders but said he developed even greater respect for McGrath after facing him in the courtroom. Frye said McGrath balances "zealously" representing his clients' interests with always being "a consummate professional."

"You don't see that every day," Frye said. "And he's a tenacious litigator. He has great instincts in a courtroom that you can't teach in law school. You either have it, or you don't. And Pat has it."

McGrath, 42, grew up in Overland Park just blocks from his law office. He loves a good argument and said he enjoys getting into the courtroom.

Fifteen years ago, employment law represented 10 percent of his caseload, he said. But in enacting laws to crack down on workplace discrimination and harassment, Con-

gress also allowed plaintiffs to sue for attorney's fees. Although workplaces have become more aware of the pitfalls of harassment and many now offer sensitivity training, which McGrath conceded is a good thing, he also contended that lawmakers created a financial incentive for individuals to sue — sometimes on "frivolous" grounds.

"When Congress made this change in law, it had the effect of creating a private police force for the enforcement of employment rights," he said of plaintiffs' attorneys. "Because of the financial incentive involved for both the individual plaintiff and the individual lawyer, there have been voluminous claims that, in my opinion, lack merit."

McGrath's cases run the gamut from alleged violations of the Family Medical Leave Act and of pregnancy discrimination to wage-and-hour and workers' compensation claims.

Although he also handles racial and nation-of-origin dis-

crimination claims, the most common type of complaint he handles involves sexual harassment. This led him into the arena of defending clergy against claims of sexual harassment and misconduct.

McGrath, who grew up attending Catholic schools, said religion is important to him. But in the aftermath of the explosive Catholic clergy abuse scandal, jurors are highly skeptical of any pastor who stands accused, he said.

"Because of what happened in the Catholic Church, which was well-documented and undeniable, all cases are cast in the same light," he said. "But, at the same time, I think a lot of the clergy abuse cases are certainly defensible."

"I only take cases that I believe in. I only want to take cases where I believe I'm furthering the interests of justice, fairness and morality."

The Rev. Ky Weekley, an associate pastor at Grace Covenant Presbyterian Church in

Overland Park, worked with McGrath when Weekley was assisting an area church whose pastor had resigned and then alleged sexual misconduct by another staff member. McGrath defended the church, and Weekley said his legal and people skills put church members at ease.

"He was absolutely the best thing that happened to that congregation during that period of time," Weekley said. "Not only does he know his law, but he clearly covers all his bases and prepares really well for any case before him."

McGrath said he thinks that he is doing important work.

"It's rewarding to help people and businesses out of their employment-related predicaments," he said. "Employers usually don't have experience in dealing with lawsuits and the attendant problems lawsuits bring, so there's a level of talent and expertise that they need."