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## **KIMBERLY H. BERRY**

### **MANAGING PARTNER**

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Ms. Berry is the managing partner and has a wide range of experience in the representation of federal, public, and private sector employees as well as small business organizations. Her practice focuses on employment, retirement, business, and contract law.

Ms. Berry specializes in federal employee retirement issues before the Office of Personnel Management (OPM), the Merit Systems Protection Board (MSPB) and other federal agencies. In particular, Ms. Berry has represented federal employees in matters involving federal employee retirement issues under the Civil Service Retirement System (CSRS), CSRS Offset, and the Federal Employees Retirement System (FERS). Many of her retirement matters have involved federal agency retirement errors in connection with the Federal Erroneous Retirement Coverage Correction Act (FERCCA), litigation with OPM and numerous other federal agencies over survivor annuitants' benefits due to OPM errors and erroneous advice, issues involving former spousal benefits under Court Orders Acceptable for Processing (COAP) or Qualified Domestic Relations Orders (QDRO), federal law enforcement officer (LEO) and firefighter (FF) eligibility for special federal retirement benefits, and other federal employment retirement-related issues.

Ms. Berry further specializes in the drafting, reviewing, and negotiating of severance, confidentiality/non-disclosure, non-compete, non-solicitation, and various other employment agreements. She also advises on business start-up and creation issues, contract drafting and review, and certain wage and hour issues. This representation includes executives and employees in various professions as well as solo practitioners, small businesses, and large organizations.

Ms. Berry has litigated numerous Equal Employment Opportunity (EEO) matters on behalf of federal and private sector employees against various federal agencies and private employers involving all types of discrimination and retaliation claims. In addition, Ms. Berry has handled grievance matters before county and federal agencies.

Prior to joining the firm, Ms. Berry served as Interim General Counsel and a corporate officer of the National Wildlife Federation (NWF), the largest nonprofit conservation organization in the United States.

Ms. Berry has also served as a speaker at Continuing Legal Education (CLE) seminars and other

events, and provided legal training to staff on regulation compliance matters as well as business owners, independent contractors and solo practitioners in contract and business compliance matters. While Ms. Berry was a member of the Association of Corporate Counsel, she presented legal seminars as a faculty member on various legal issues of relevance to in-house counsel of business organizations.

### **Legal Articles**

- ▶ What Federal Employees and Retirees Need to Know About Dividing Federal Retirement and Other Benefits During Divorce
- ▶ Independent Contractors and Non-Compete Agreements
- ▶ Non-Compete Agreements in Virginia for Independent Contractors
- ▶ Disability Retirement and Position Descriptions for Federal Employees
- ▶ Severance Agreements in Virginia
- ▶ Virginia Non-Compete Agreements for Employees
- ▶ Could You Be In The Wrong Federal Retirement System?
- ▶ Divorce and Federal Employee Retirement Benefits
- ▶ 5 Important Questions to Consider Before Applying for OPM Disability Retirement
- ▶ MSPB Takes Action Where OPM Fails to Issue Final Decision in Retirement Case
- ▶ Redeposit Issues Affecting Federal Employee Annuitants
- ▶ Disability Retirement in the Federal Sector

### **Education**

#### **Graduate School**

- ▶ George Washington University School of Law, LL.M., Litigation and Dispute Resolution, 2000
  - ▶ Highest Honors

#### **Law School**

- ▶ University of Maine School of Law, J.D., 1997

#### **Undergraduate School**

- ▶ Binghamton University, B.A., 1993
  - ▶ *Cum Laude*

### **Bar Admissions**

- ▶ District of Columbia
- ▶ Virginia
- ▶ Maine
- ▶ Massachusetts

### **Court Admissions**

- ▶ U.S. District Court, District of Columbia

### **Federal Agency Practice**

- ▶ D.C. Office of Employee Appeals
- ▶ Federal Labor Relations Authority
- ▶ Merit Systems Protection Board
- ▶ National Labor Relations Board
- ▶ Office of Special Counsel
- ▶ Equal Employment Opportunity Commission
- ▶ Office of Inspector General

### **Memberships & Affiliations**

- ▶ Association of Corporate Counsel
- ▶ Metropolitan Washington Employment Lawyers Association
- ▶ Women's Bar Association of the District of Columbia

### **Seminars & Lectures**

- ▶ The Women Grow Business Boot Camp
- ▶ Lobbying Reporting & Election Related Activity for Non-Profit Entities
- ▶ Marketing, Winning the Prize, In House Counsel Advice on Legal Issues Involving Sweepstakes, Lotteries, Promotional Contests
- ▶ Copyright Basics
- ▶ Contract Basics