

# Darlene Vorachek

## Finding Solutions for Employees in Employment Law

by Dan Campana

Talk with Darlene A. Vorachek for a few minutes and a theme quickly emerges: She likes problems.

Well, actually, she enjoys working to find solutions to problems. It's what first drew her interest in economics and had her considering a career in business during her college days. Ultimately, the decision to pursue the law fit into her answer-seeking mindset.

"What appealed to me in the law is the logic," she says. "I love figuring out problems."

Vorachek, 58, has spent nearly a quarter century doing just that as an employment law attorney at Chicago's **Abrahamson, Vorachek & Levinson**. She works on behalf of individuals who have run into a variety of different issues with their employers ranging from wrongful termination to discrimination — and much in between. In recent years, she's also conducted investigations as an independent third party for companies facing a complaint from an employee.

"Good employment lawyers are looking for a solution for their client all the way along. If you're not, you're doing a disservice to your client," Vorachek explains. "That's not to say you're going to resolve no matter what, but it means you should be thinking about it all the time. If you have to litigate to get there, you have to litigate."

But, that's the last step. Vorachek understands the value of finding common ground and a resolution on both sides. While it benefits her client, it can also prove more cost-effective for the employer. Seeing things from the middle is something Vorachek deemed important long ago, and still finds beneficial working as an advocate.

Michael Leech, who works as a mediator, has known Vorachek for about 20 years. In his role, he's seen Vorachek's forensic legal skills, while also getting a window into how she works with her clients.

"She has a really great skill in sizing up a case," he says. "She's going to pursue a case doggedly."

He offers up a general analogy about a mediation involving Vorachek. She quickly recognized that her client's interest in resolving the case went to a unique level, beyond money.

"She saw what really mattered to this client," Leech says of Vorachek. "As lawyers, sometimes we can be insensitive to that."

For Vorachek, it's about understanding her clients in a different way, one which



acknowledges how important a person's job can be in the bigger scheme of life.

## Putting It All Together

Working hard and going to college stood out from Vorachek's formative years in Kalamazoo, Mich., where she grew up as the second oldest of five daughters.

Her parents were high school sweethearts; they recently celebrated their 60th wedding anniversary. Her father spent most of his working life as a railroad employee until retirement. As Vorachek went off to college, he bought a farm that essentially gave him a second job. He continues to run a fruit farm in Michigan that, among other things, produces grapes for Welch's.

Vorachek's mother stayed at home for many years before going to college to obtain a library science degree that led her to become teacher.

"A strong work ethic is the imprint," Vorachek says of her parents.

Although she didn't necessarily envision her career plan or the law early on, attending college was a given.

"I think, like most people in high school, you don't know where you want to go or what you want to do," she explains. "Frankly, college opens up all those doors."

Vorachek chose the University of Michigan for college, where she gravitated toward economics and political science. The numbers and problem-solving part of those areas had her contemplating business school, perhaps with a focus on accounting. Law school also lingered as a possibility.

"I was pretty torn. I remember sitting down before my junior year and saying, 'Should I apply to Michigan's business school, continue in economics, with the possibility law school is out there?'" she recalls.

The thought of a legal career prevailed. Vorachek attended George Washington University Law School in Washington, D.C.

"I liked the intellectual stimulation. I liked examining how problems were addressed and looking at the issues from both sides," Vorachek says. "I still like that. It's what we do now."

When it came time to clerk, Vorachek sought a unique perspective to broaden her view of issues beyond being an advocate, so she applied to a few judges.

"I decided I wanted a view from the bench. (Clerking) is the only time you can possibly get it, unless you are on the bench," she explains. "I was lucky enough to clerk for Judge James R. Miller Jr., who had two-year clerkships."

Working in Miller's trial level court in the federal district in Maryland proved eye opening in a few ways for Vorachek as she saw firsthand the impact of the legal system on people. One of her first in-court

experiences involved the rare instance of a murder plea in a federal courtroom and the defendant offering a graphic description of the killing as part of the proceedings.

"It's my first or second day, so I don't know anything," she recalls. "I must have been sitting there with my mouth going, 'Oh, my God!'"

That early memory offers context for how far Vorachek has come and the value of seeing the legal process from a different place than most people.

"Once you're out of law school, you're an advocate. You're on one side or the other. It's the bench who gets to see it coming from both directions and make the decision. It's a unique point of view," Vorachek explains.

"It was very helpful, going forward after that, to think about it not just in terms of how judges make decisions, which sort of helps you as a litigator. It was also helpful just thinking of how every issue has both sides. Sometimes the sides are a little clearer or one side has the better side."

The entire experience was a lot of work, Vorachek says, but it was invaluable for what it showed her about how the law affects individuals. Another takeaway from law school was her husband of 32 years, Clifford Shapiro. He is the head of construction law at Barnes & Thornburg.

"I always say it's the best thing I got out of law school," a smiling Vorachek says of Shapiro.

They each found a career opportunity in Chicago to start the next chapter in their lives.

"We wanted to come to a larger urban area and, quite frankly, we both got great jobs," she explains. "We're both Midwesterners at heart."

## An Important Coffee Shop Meeting

Vorachek arrived in Chicago to a job with Sidley & Austin in 1982, where she did securities and commodities litigation — "very different" work than her mainstay now. As an associate, she primarily dealt with in-house counsel of large companies on oft-complex multinational cases. One case she participated in involved a complicated commodities fraud litigation that ended up based in Chicago.

Things changed in a major way for Vorachek when her daughter, Alicia, arrived in 1990.

"I thought I'd be back to work in weeks. I wasn't, because I fell in love with my daughter," Vorachek explains. "I started looking for something that wasn't so intensive."

What she sought was a different type of schedule. She talked to a number of places and also explored the idea of part-time work. Through a mutual friend, Vorachek met with Vicki Abrahamson, who was looking to hire someone for her firm.

They met at a coffee shop on Clark Street one night and discussed such things as spouses, families and time flexibility. "It was like an instantaneous connection," Abrahamson recalls.

Vorachek agrees. "Vicki and I met, and it clicked," she says, describing their relationship to be a "happy partnership."

Vorachek admittedly had no experience with employment law when she joined the firm, but showed an "ambition" to jump into the work, according to Abrahamson.

"Thank goodness Vicki was kind enough. I had litigation skills, but employment law? I didn't know much about employment law. You can learn."

Abrahamson said that's exactly what has happened over the last two decades.

"She has the right sensibilities to do this kind of work," Abrahamson explains, adding that Vorachek brings the right emotional perspective to the cases she handles.

One noticeable difference Vorachek quickly picked up on was the interaction with the people who were her clients.

"I have to say I like the area of law that I'm in now more. I just have more direct contact with individuals, and I really feel more like I help them solve their problems," Vorachek offers.

"I came here and, in a pretty short period of time, really liked it. If you talk to anybody in employment law, it is an area that if you do it, you should just do that. It's hard to dabble."

So, Vorachek threw herself into the work with an open mind and willingness to learn. The firm primarily works on behalf of employees who have encountered issues with their employer. Vorachek says issues gravitate toward different types of discrimination — gender, age, disability, and pregnancy — as well as medical leave, restrictive covenants and contracts.

Most clients are in management ranks, but the firm does occasionally represent people in their first job.

"Mostly, they are people who have been in the job world a little longer," she says. "We're known as representing employees. I'd say that it's in the 90-percent range. I like being on that side. I feel like I help people solve really hard situations."

"Next to your personal and family relationships, and religion, your work relationship is probably the most important thing in your life. Most times when something happens in a workplace and people have a problem, employees don't think of it in terms of what statute applies. They think of it as 'I have a problem and need to go talk to a lawyer.'"

That's where Vorachek's problem-solving skills ramp up.

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### Many Ways to Positive Results

Hanging on a wall in Vorachek's LaSalle Street office is a gold medal given to her by a client who holds a special place in her heart.

The medal belonged to a young woman who, despite a brain injury, had found a steady job with a larger company in the Chicago area. The woman worked successfully for some time with one supervisor, but a new one fired her for something she had not done, Vorachek says. The timing could not have been worse, as the woman had just saved enough money to move out of her parent's home and into an independent living situation where she could support herself.

"They came to us and they were very distraught," Vorachek explains. "I think it underscores the fact that you are only as good as your worst supervisor.

The case lasted several months, but Vorachek reached a resolution that helped the woman get back on her feet. As a thank you, the woman offered her Special Olympics gold medal to Vorachek.

"I didn't want to take it, but she very much wanted to give it to me as her way of saying how happy she was with how we were able to help her," Vorachek says.

The story illustrates Vorachek's mission: Take her client from start to finish with the best result possible.

The firm pulls most of its clients from various referrals and only takes on about one-quarter of those cases after screening the individual's complaint. Vorachek's first conversation covers a lot of ground.

"In that initial meeting, I think about trying to give them a view of how the law would see their situation and possible paths," she explains. "I try to give an overview that goes all the way through litigation."

There's a certain amount of counseling and education that goes on during the meeting, as well. Vorachek notes that some people are there to gather information and go on their way. Others take the next step, a move that garners a lot of respect from Vorachek who understands the fear of formally complaining about an employer.

"Absolutely that is something people consider, which is why I very much admire my clients," she says. "They are very strong to have the courage to step up and say my employer, which is a very important relationship, is treating me, or treated me, badly."

Once the client decides to move forward with a complaint, Vorachek says there are a few avenues to explore and time frames to consider because of the regulatory aspects involved in employment complaints. Government agencies such as the Equal Employment Opportunity Commission,

and similar entities at the state, county and local levels, provide structure for formalizing complaints, but they aren't always necessary to reach resolutions.

"When people come to us when the wrongful conduct happens, you have more time to try to work toward a solution before going to those agencies," Vorachek explains. "We often start a matter by reaching out to the employer and laying out for them why we think we have a problem, what we think are the violations of law, and often we propose a solution.

"We are able to work out a solution in many situations without going to the agencies or litigation, which comes after that," she adds.

Vorachek says employment law has increasingly embraced mediation and alternative dispute resolution, as well as arbitration, to work toward common ground in cases. Doing so is beneficial to both sides.

"It can cost you hundreds of thousands of dollars to litigate an individual employment litigation claim. So, maybe you want to go into mediation to see if you can resolve it ahead of time," Vorachek explains.

Another key factor in the trajectory of a case is the lawyers involved. Vorachek values knowledgeable opposing counsel.

"I've always said I like my opponents to be very good employment lawyers as well," Vorachek says. "You know they understand the consequences of things, so they know the consequences of when I do things, too. It usually results in a better solution."

Jane McFetridge has been on the other side of cases with Vorachek several times over nearly two decades.

"She's been a worthy adversary of mine," McFetridge says. "She's a really good advocate who doesn't overstate the case. She will pursue all reasonable attempts at an early resolution."

Vorachek says that approach is a reflection of the firm itself. The five attorneys, as well as the staff, work well together and bounce ideas off one another to get different views.

"We're a small firm, so you better like the people you practice with because you're spending a lot of time with them. And we like each other a lot," Vorachek shares.

Outside the office, Vorachek has plenty of things to keep her active, traveling and learning. She recently took up distance running and completed her first 5K about a year ago. She and her husband went on what she calls a going-and-doing vacation to Eastern Europe that involved biking from Prague to Vienna. Before the trip, she did plenty of reading up on the history she was about to encounter.

"I like to travel a lot. In fact, I'm just trying to figure out where to go next," she says. "I have a much longer list than I'll ever be able to get to." ■