

HINKLE

LAW FIRM LLC



BRADLEY J. SCHLOZMAN

MEMBER

Mr. Schlozman has a diverse national practice focused on government investigations, civil rights litigation defense of governmental entities, and employee benefits and ERISA law. Brad's tenure as a high-ranking official at the U.S. Department of Justice in the George W. Bush Administration, as well as his extensive private sector experience, has helped him provide outstanding service to clients in the public and private sectors alike.

OVERVIEW

BRADLEY J. SCHLOZMAN

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Mr. Schlozman joined the Hinkle Law Firm LLC in 2007. His diverse practice is concentrated primarily on high-stakes government investigations and civil rights litigation defense of states, municipalities, and law enforcement groups. He also works extensively on employee benefit regulatory and ERISA matters, including ERISA litigation.

In his civil rights work, Brad represents states, municipalities, law enforcement organizations, and various advocacy groups around the country that are either engaged in litigation or being investigated by the U.S. Department of Justice and state regulatory agencies on an array of civil rights issues. Representations have covered voting rights issues, racial preference disputes, disability matters, as well as a range of policing issues. He appears regularly in federal and state appellate courts across the nation on these issues.

In the ERISA arena, Brad represents plans, employers, third-party administrators, record-keepers, investment advisors, financial institutions, insurance brokers, pharmacy benefit managers, and various fiduciaries, helping them to achieve and maintain compliance with the panoply of laws, regulations, and guidance governing qualified and welfare benefit issues. He also has helped defend such entities against lawsuits grounded in ERISA and different state laws.

Prior to joining the firm, Brad held a series of high-level posts in the Department of Justice, including United States Attorney for the Western District of Missouri, Acting Assistant Attorney General of the Civil Rights Division, and Counsel to the Deputy Attorney General.

PRACTICE AREAS

- > Appellate Practice
- > Civil Rights Defense of Governmental Entities
- > Employee Benefits & ERISA
- > Govt. Investigations & White Collar Crime

EDUCATION

- > George Washington University School of Law, J.D., with honors, 1996
- > University of Pennsylvania, B.A., History, 1993
- Magna Cum Laude with special distinction

BAR ADMISSIONS

- > United States Supreme Court
- > Kansas Supreme Court
- > Missouri Supreme Court
- > United States Court of Appeals, 1st Circuit
- > United States Court of Appeals, 3rd Circuit
- > United States Court of Appeals, 4th Circuit
- > United States Court of Appeals, 5th Circuit
- > United States Court of Appeals, 6th Circuit
- > United States Court of Appeals, 7th Circuit
- > United States Court of Appeals, 8th Circuit
- > United States Court of Appeals, 9th Circuit
- > United States Court of Appeals, 10th Circuit
- > United States Court of Appeals, 11th Circuit
- > Court of International Trade

Before transferring to the Justice Department in 2001, Brad was a senior associate at Howrey, Simon, Arnold & White, LLP in Washington, D.C., where he was a member of the Supreme Court and Appellate Litigation Practice.

Brad graduated from the University of Pennsylvania and received his juris doctor from the George Washington University School of Law. Brad later completed federal judicial clerkships with Chief U.S. District Judge G. Thomas VanBebber of the District of Kansas, and U.S. Circuit Judge Mary Beck Briscoe of the U.S. Court of Appeals for the Tenth Circuit.

AFFILIATIONS

- Kansas Bar Association
- Wichita Bar Association
- Missouri Bar Association
- Kansas Chamber of Commerce Board of Directors
- American Society of Pension Professionals and Actuaries

PUBLICATIONS

- “Responding to a Civil Rights Pattern and Practice Investigation,” Sheriff & Deputy Magazine, Jan./Feb. 2017.
- Telemedicine Arrangements: Beware of Inadvertently Dialing Up an Excise Tax, Bloomberg BNA, July 7, 2016.
- The “Ferguson Effect”: Restricting Law Enforcement’s Ability to Protect Americans, Heritage Foundation Legal Memorandum, June 23, 2016.

SIGNIFICANT CASES

- Cooper Indus., Inc. v. Leatherman Tool Group, Inc., 532 U.S. 424 (2001)
- Kobach v. U.S. Election Assistance Comm’n, 772 F.3d 1183 (10th Cir. 2014) (amicus)
- League of Women Voters of N.C. v. North Carolina, 769 F.3d 224 (4th Cir. 2014) (amicus)
- U.S. v. Norris, 486 F.3d 1045 (8th Cir. 2007) (en banc)
- U.S. v. Sewell, 457 F.3d 841 (8th Cir. 2006)
- Conley v. United States, 415 F.3d 183 (1st Cir. 2005)
- U.S. v. Bradley, 390 F.3d 145 (1st Cir. 2004)
- U.S. v. Leathers, 354 F.3d 955 (8th Cir. 2004)
- U.S. v. Manjarrez, 306 F.3d 1175 (1st Cir. 2002)
- Leatherman Tool Group, Inc. v. Cooper Indus., Inc., 285 F.3d 1146 (9th Cir. 2002)
- U.S. v. Cross, 24 F. App’x 130 (4th Cir. 2001)
- League of Women Voters v. Schwab, 549 P.3d 363 (Kan. 2024)
- League of Women Voters v. Schwab, 539 P.3d 1022 (Kan. 2023)
- Kelly v. Legislative Coordinating Council, 460 P.3d 832 (Kan. 2020)
- Taylor v. Kobach, 334 P.3d 306 (Kan. 2014)
- VoteAmerica v. Schwab, 671 F. Supp. 3d 1230 (D. Kan. 2023)
- Roberts v. Caskey, 2022 WL 11089308 (D. Kan. Oct. 19, 2022)
- Rangel-Lopez v. Cox, 344 F. Supp. 3d 1285 (D. Kan. 2018)

- Supreme v. Kansas State Elections Board, 2018 WL 3329864 (D. Kan. July 6, 2018)
- U.S. ex rel. Holt v. Medicare Medicaid Advisors, 2023 WL 3807046 (W.D. Mo. June 2, 2023)
- Jefferson County v. Williams et al., Case No. 20JE-CC00029 (Jefferson Cnty., Mo. Circuit Ct.)

SELECT PRESENTATIONS

- Recent Developments in the Welfare Benefit Plan Regulatory Environment: Weathering the Storm of New Regulations. Hinkle Law Firm LLC. Wichita, KS – April 2023.
- COVID-19 and Welfare Benefit Plans - Key Legal Developments. Employee Benefits Institute (UMKC Law School). Kansas City, MO - July 2020.
- Impact of CARES Act on Retirement Plans. Kansas Independent Oil & Gas Association. Wichita, KS – April 2020.
- Individual Coverage Health Reimbursement. Agri-Business Benefit Group. Garden City, KS, Hays, KS, and Wichita, KS – August 2019.
- What to Do (and What Not to Do) in the Face of a DOJ Investigation. Utah Sheriffs' Association Annual Conference, St. George, UT - September 2017.
- How to Respond to a DOJ Investigation: The Virtues of Principled Resistance. North Carolina Sheriffs' Association Annual Training Conference, Sunset Beach, NC - July 2017. Responding to a Civil Rights Pattern and Practice Investigation, National Sheriffs' Association Winter Conference, Washington, DC – February 2017.
- Responding to a DOJ Investigation: Why Capitulation is Not the Answer. Minnesota Sheriffs' Association Winter Conference, Alexandria, MN - December 2016.
- The 2016 Health Care Reporting Requirements – Is “Good Enough” Still “Good Enough?” Hinkle Law Firm Seminar Series, Wichita and Overland Park, KS – November & December 2016.
- Health Care Regulatory Updates: Affordable Care Act and Beyond, Kansas Society of CPAs, Wichita, KS – November 2016.
- The Pitfalls of Reflexive Capitulation to DOJ Investigations. National Sheriffs' Association. Mackinac Island, MI - October 2016.
- The Virtues of Principled Resistance to DOJ Investigations. Indiana Sheriffs' Association. Indianapolis, IN - July 2016.
- The Virtues of Principled Resistance to DOJ Investigations. National Sheriffs' Association. Washington, DC - February 2016.
- Federal Health Care Reform Updates. National Society of Accountants for Cooperatives. Wichita, KS -- June 2015.
- Navigating the New Health Care Reporting Requirements. Agri-Business Benefit Group. Dodge City, KS, Hays, KS & Wichita, KS -- May 2015.
- Cracking the Affordable Care Act Nut: How Federal Health Care Reform Affects Employers. Wichita Hispanic Chamber of Commerce. Wichita, KS - August 2014; Kansas Women Attorneys' Association. Lindsborg, KS - July 2014.
- Health Care Reform: Impact on Educational Institutions. South Central Kansas Education Service Center. Clearwater, KS - February 2014.
- How to Clean Up Messes: Correction Procedures for Mistakes Made on Qualified Retirement Plans. Pension Focus Conference, Branson, MO – May 2013.
- Common Plan Mistakes and How to Avoid Them. Pension Focus Conference, Branson, MO – May 2013.
- Health Care Reform: What it Means for You. Osiwala Financial Group Annual Symposium (keynote speaker). Detroit, MI – November 2012.
- Health Care Reform: What it Means for You. Barber Financial Group Annual Symposium (keynote speaker). Overland Park, KS – October 2012.
- GINA, FMLA, ADA, and HIPAA – The Four Headed Dragon. Hinkle Law Firm Employment Law and Employee Benefit Seminar. Wichita, KS – October 2012.
- Understanding the New Health Care Law: Keys to Compliance. Kansas Society of Certified Public Accountants. Wichita, KS - August 2012.
- How the Supreme Court's Recent Ruling on Health Care Reform Impacts Human Resources and Business. Wichita Chapter of the Society for Human Resource Management. Wichita, KS - July 2012.