



**SAM R. FULKERSON**  
SHAREHOLDER

(405) 552-2369 **DIRECT**  
(405) 228-7369 **FAX**  
sam.fulkerson@mcafeetaft.com

**McAFEE & TAFT**  
*Leaders in Creating Legal Solutions®*

TENTH FLOOR  
TWO LEADERSHIP SQUARE  
211 N. ROBINSON  
OKLAHOMA CITY, OKLAHOMA 73102  
[www.mcafeetaft.com](http://www.mcafeetaft.com)

## BIOGRAPHY

Sam's practice is focused on the representation of management in all phases of the employment relationship, including litigation before federal and state courts, regulatory and administrative agencies, and in arbitration matters. He also handles litigation matters involving the enforcement of non-competition and confidentiality agreements, breach of employment contracts, handbook and personnel policy violations, wage and hour disputes, and other disputes arising out of the employment relationship.

Sam has extensive experience in mediating and arbitrating employment disputes before the American Arbitration Association and other alternative dispute resolution organizations. He also has successfully represented employers in ERISA-based lawsuits against third-party administrators for misuse of employer funds, and against insurers for bad faith denial of employer claims under medical excess loss policies.

In addition to litigation matters, Sam assists employers in developing employment policies and arbitration programs, and with preventive training for both management and hourly employees. He also routinely advises employers on hiring, discipline and termination, severance and reduction-in-force matters.

Sam lectures frequently on employment law topics in Oklahoma and elsewhere, including for the University of Oklahoma Center for Continuing Education, the Oklahoma Bar Association, the U.S. Court of Appeals for the Tenth Circuit Annual Seminar, and the Southern Methodist University School of Law Multi-State Labor and Employment Law Seminar. Sam also has published scholarly articles in the *Oklahoma Law Review* and the *Society for Human Resource Management Legal Report*, and he was the primary author of "Age Discrimination in the Workplace: A Primer for Human Resource Professionals," *Society for Human Resource Management* (1999). He has also taught employment discrimination law while serving as an adjunct professor at the Oklahoma City University School of Law.

Sam is the designated co-representative of McAfee & Taft as the exclusive member firm representing Oklahoma in the Employers Counsel Network, a nationwide affiliation of leading law firms providing legal assistance and representation to employers. He is also co-editor of the *Oklahoma Employment Law Letter*, a monthly review of new court decisions, regulations and laws that affect state employers, as well as co-editor for the Oklahoma section of the annual guidebook for employers and human resources professionals, *50 Employment Laws in 50 States*.

His achievements have earned him inclusion in *Chambers USA Guide to America's Leading Lawyers for Business*, *The Best Lawyers in America* (labor and employment law, labor and employment litigation) and *Oklahoma Super Lawyers*, which also named him to its list of "Top 50 Oklahoma Lawyers." Sam holds the distinction of being the only Oklahoma attorney named to the 2011-2012 edition of the *International Who's Who of Management Labour & Employment Lawyers* and for being selected "Best Lawyers' 2012 Oklahoma

City Labor and Employment Litigation Lawyer of the Year,” an honor only given to a single lawyer in each legal specialty in each community. In 2011, he was named to *The Journal Record’s* list of Leadership in Law Award honorees.

Sam previously served as the leader of the firm’s Labor and Employment Group for five years.

## REPRESENTATIVE EXPERIENCE

- Nationwide defense of employment litigation and arbitration matters.
- Representation of employers before the EEOC and various state human rights agencies.
- Representation of employers in wage and hour and Family and Medical Leave Act (FMLA) investigations by the U.S. Department of Labor.
- Representation of employers in state wage and hour and unemployment claims.
- Representation of employers in litigation relating to employment contracts, commission disputes and non-compete agreements.
- *Bolton v. Scrivner, Inc.*, 836 F.Supp. 783 (W.D.Okl. 1993), aff’d, 36 F.3d 939 (10th Cir. 1994), cert. denied, 115 S.Ct. 1104 (1995) (interpretation of “disabled person” under Americans with Disabilities Act).
- *Milton v. Scrivner, Inc.*, 901 F.Supp. 1541 (W.D.Okl. 1994), aff’d, 53 F.3d 1118 (10th Cir. 1995) (definition of “disability” under Americans with Disabilities Act).
- *Massey v. Scrivner, Inc.*, 901 F.Supp. 1546 (W.D.Okl. 1994), aff’d, 53 F.3d 1118 (10th Cir. 1995) (definition of “disability” and speed of production as a “bona fide occupational qualification” under Americans with Disabilities Act).
- *Sarsycki v. United Parcel Service, Inc.*, 862 F.Supp. 336 (W.D.Okl. 1994) (impact of mitigating measures on determination of disability under the Americans with Disabilities Act).
- *Atkinson v. Halliburton Co.*, 905 P.2d 772 (Okla. 1995) (administrative procedure under Oklahoma handicap discrimination statute).
- *Cole v. Halliburton Co.*, 6 Wage & Hour Cas. 2d 990 (W.D. Okla., Sep 06, 2000) (enforceability of arbitration agreements).
- *Walker v. United Parcel Service, Inc.*, 240 F.3d 1268 (10th Cir. 2000) (administrative exhaustion requirements under Title VII, and recoverable damages under the Family and Medical Leave Act).
- *Pierce, et al v. Kellogg, Brown & Root, Inc.*, 245 F.Supp.2d 1212 (E.D. Okl. 2003) (enforceability of arbitration agreements).
- *Eapen v. McMillan*, P.3d (Ok. Ct. App. 2008) (no individual liability under Oklahoma Anti-Discrimination Act and public policy tort).

## ADMISSIONS

- Oklahoma, 1991
- U.S. District Courts for the Western, Northern and Eastern Districts of Oklahoma
- U.S. District Court for the Northern District of Texas
- U.S. Courts of Appeals for the Fourth and Tenth Circuits

- U.S. Supreme Court

## EDUCATION

- J.D., with honors, University of Oklahoma, 1991; *Oklahoma Law Review*
- M.A., with honors, University of North Carolina, Chapel Hill, 1985
- B.A., with distinction, University of Oklahoma, 1982 ; Phi Beta Kappa

## PROFESSIONAL ORGANIZATIONS AND MEMBERSHIPS

- Oklahoma Bar Association (Former Chair, Labor and Employment Law Section)

## CIVIC INVOLVEMENT AND LEADERSHIP

- Chamber of Commerce, Business and Industry Council
- Oklahoma City Metro Employer Council
- Oklahoma Visual Arts Council
- Urban League of Greater Oklahoma City (Board of Directors)