

EMPLOYMENT LITIGATION

Proven Strategies to Tackle an Ever-Evolving Landscape

Like all areas of litigation, employment litigation trends change quickly as laws and regulations affecting employers and employees change. Current growth areas in litigation faced by employers range from broad issues, such as the definition of “employer,” to the very narrow, such as whether companies must modify their web sites to “reasonably accommodate” disabled consumers. As a result, the opportunities for litigation keep growing.

How We Can Help You

The complexity of employment law at every level exposes employers to the risk of litigation every day. Compliance with LGBT rights laws, equal pay laws, and gender equality and transparency laws continue to be important growth areas for litigation. And trade secret misappropriation and whistleblower lawsuits are on the rise, too. These are just a few of the trending sources of litigation, and the more traditional ones, of course, are still with us.

While prevention may be the first line of defense, we are also well-prepared for litigation and ready to defend you when needed before a multitude of federal and state agencies, as well as state and federal courts throughout the United States. Our group represents employers in litigation involving these and many more claims:

- Unlawful discrimination.
- Improper hiring and termination.
- Wage and hour/FLSA.
- Reductions in force.
- Sexual harassment.
- Breaches of contract (including defending companies that, upon hiring an employee from a competing organization, are sued for breach of contract or misappropriation of trade secrets).
- Whistleblower and retaliation claims.
- Claims for pension contributions under ERISA.
- Claims for withdrawal liability under the MPPAA.

And if government wage and hour audits should reveal improper pay practices, we can help you prepare for audits and negotiate favorable settlements.

Class & Collective Action Litigation

A class or collective action employment lawsuit can seem overwhelming. But with our national experience handling cases that often involve multiple issues and millions of dollars, we help you manage both the complexities and the risks. We can assist you with defend against FLSA and ERISA actions and systemic employment discrimination claims. We will help you marshal the facts, manage the discovery process (including the electronic discovery) and present the most appropriate defense.

Fair Labor Standards Act Litigation

We have substantial experience defending claims of violation of the FLSA. Because we so often handle FLSA collective actions and employment discrimination class actions throughout the United States, our staff is deeply experienced. When changes to the FLSA occur, the implications and impact can be far-reaching. We can evaluate whether your workers are classified correctly to remain in compliance.

ERISA Litigation

ERISA lawsuits are on the rise for many reasons. Effective ERISA litigation requires not only a thorough understanding of a highly complicated statute but also top-shelf litigation skills. Our ERISA practice is one of the largest in the nation because it combines our comprehensive ERISA regulatory practice with our outstanding labor law and litigation practices. We represent employers, fiduciaries, service providers and multi-employer trust funds in a broad range of disputes, including many that arise in the context of collective bargaining.

Trade Secrets and Restrictive Covenants

Today's highly mobile workforce and the technology that make this mobility possible mean that proprietary ideas, strategies and relationships are constantly exposed to risk. Our trade secrets and restrictive covenants attorneys help you identify the information to be protected and implement effective means to do so. And if a current or former employee misappropriates a trade secret or violates a restrictive covenant, we coordinate and assist you in quickly proving improper conduct, stopping the disclosure and recovering appropriate damages.

Workers' Compensation Claims

Our comprehensive counsel helps you navigate the complexities of workers' compensation claims. We can advise you on claims management and offer training on the latest laws. We help you determine whether an employee is eligible for compensation, and we litigate disputed claims through the administrative process and any related court appeals.

Whistleblower Litigation

We can defend you in matters regarding all whistleblower protection statutes at all whistleblower proceedings, including defense of administrative charges before the Occupational Safety and Health Administration, proceedings under the Federal Railroad Safety Act, trials and appeals to the U.S. Circuit Courts of Appeals, and more.

Railway Labor Act (RLA) Litigation

We handle representation disputes, major and minor disputes, regulated transactions, labor protective conditions and matters before Presidential Emergency Boards. We also advise carriers on matters involving the complex relationship between the RLA and other federal and state laws. Our attorneys have litigated cases to enforce the RLA's major dispute resolution procedures, and we've represented carriers in common-situs labor disputes involving both RLA and National Labor Relations Act issues.

Alternative Dispute Resolution (ADR)

When it's clear that the best result is achieved litigation, we vigorously pursue that option. In many cases, however, other options make more sense. Prolonged litigation can drain financial resources, productivity and goodwill. ADR (mediation, arbitration, mini-trials and non-jury trials) may serve your needs more effectively. We participate in all forms of ADR proceedings and can represent you as you prepare for and participate in these proceedings.