



## LITIGATION DEPARTMENT OF THE YEAR: LABOR AND EMPLOYMENT

## KASOWITZ BENSON TORRES LLP



### The Kasowitz Employment Litigation Team

*From left, Jonathan Shapiro, associate, Nichole Davis, associate, Mark Lerner, partner and head of the Employment Practices and Litigation group, Jessica Taub Rosenberg, partner, Joshua Fulop, special counsel, Melissa Barahona, associate, and Peter Seltzer, associate*

### **Q&A** **What are some of the department's most satisfying successes of the past year and why? "Success" to us is a simple equation: help the client achieve its business or individual goals.**

We've been rewarded with endless satisfaction over the past year delivering on this approach. For *Northwell Health*, we helped one of its major hospitals remove itself from a costly and burdensome third-party personnel agreement, to its significant financial benefit.

For senior management of *Och-Ziff*, the hedge fund, we helped them navigate complex relationships, agreements and circumstances in a public dispute.

For *mGage*, a global mobile messaging company, we obtained a preliminary injunction in the

Southern District of New York barring a group of former employees from working for a competitor and poaching our client's employees, customers and suppliers.

For *XPO Logistics*, the global transportation and logistics firm, we stopped competition from former employees through arbitration and aggressive discovery.

For numerous corporate and individual clients, including a Managing Director at a global law firm, we guided them through the minefield of sexual harassment claims to favorable results.

Sometimes our most satisfying engagements result from avoiding problems, and litigation, with just a few phone calls.

**A prospective client in crisis calls and asks why your team should be retained. What is your answer?**

**We are experienced, respected and get results.**

Kasowitz's entry into a case often generates quick and favorable outcomes and deters frivolous claims. When we have to litigate, we are former prosecutors and other well-trained lawyers who frequently try cases. We will be creative, strategic and mindful of your goals. And, you will enjoy working with us!

**What traits do you respect most in opposing firms and lawyers? Professionalism and a practical approach.**

**What sorts of trends are you seeing in litigation, and what do you think will be the most important development in the law/legal business that will impact your field in the next 10 years? Many jurisdictions have passed new laws expanding the categories and standards for employment discrimination claims.** For example, New York state recently relaxed the standard for proving sexual

harassment, potentially increasing the number and types of cases to be filed. Sexual harassment prevention and training, as well as addressing complaints, have become and will remain a significant area in employment law.

Also, increasingly, contractual and other employment disputes are resolved in arbitration, not court. At least half of our employment litigation occurs in arbitration forums. This trend will only increase, in our judgment. We have tried many cases in arbitration forums, from industry forums like FINRA and REBNY to ADR providers like AAA and JAMS.

**What is the firm doing to ensure that future generations of litigators are ready to take the helm? We work hard to promote our more junior lawyers, empowering them to engage directly with clients, solve problems and work collaboratively to ensure that they are growing professionally.** It's important that our clients know that we have a deep bench—and that ensures long-term relationships and continuity for our business.

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