

## I. Michael Kessel

Special Counsel

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### Focus Areas

Discrimination and Harassment  
Unfair Competition and Trade Secrets  
Hiring, Performance Management and Termination  
Policies, Procedures and Handbooks  
Leaves of Absence and Disability Accommodation

### Overview

With 30 years of experience, I. Michael Kessel concentrates on the representation of management in employment-related matters before federal and state courts and administrative agencies, including the Equal Employment Opportunity Commission, the New Jersey Department on Civil Rights, and the New Jersey Department of Labor. He defends employers in cases alleging sexual, racial and other protected-category harassment and discrimination, wrongful discharge and other common law employment-related causes of action. He also focuses on federal and state employment statutes, such as:

- Title VII and The New Jersey Law Against Discrimination
- The Americans with Disabilities Act
- The Family and Medical Leave Act
- The New Jersey Conscientious Employee Protection Act
- The New Jersey Family Leave Act

He has also successfully litigated cases involving enforcement and defense of restrictive covenants.

Additionally, Michael advises employers, often in retail, on a full range of issues, including:

- Compliance with federal and state statutes and regulations
- Development of policies to protect against claims

- Accommodating disabled employees
- Family and medical leave laws
- Wage and hour laws
- Reductions-in-force, including New Jersey WARN
- Non-competition and confidentiality agreements
- Preparation of employee handbooks
- Union avoidance

Previously, Michael worked as an attorney at two other firms and served as employment counsel at a major cosmetics company.

### **Professional and Community Affiliations**

- Member, American Bar Association
- Outside Pro Bono Counsel, Rachel Coalition
- Outside Pro Bono Counsel, Partners for Women and Justice

### **Education**

J.D., George Washington University Law School, *With Honors*

B.S., University of Pennsylvania The Wharton School

### **Bar Admissions**

New Jersey

New York

### **Courts**

U.S. Court of Appeals, 2nd Circuit

U.S. Court of Appeals, 3rd Circuit

U.S. District Court, District of New Jersey

U.S. District Court, Western District of New York

U.S. District Court, Eastern District of New York

U.S. District Court, Southern District of New York

U.S. District Court, Northern District of New York

## Publications & Press

### **Federal Court Applies FAA Preemption in Refusing to Enforce New Jersey's Ban on Mandatory Arbitration of Discrimination, Retaliation and Harassment Claims**

*Littler Insight*

April 1, 2021

### **New Jersey Enacts Bill Banning NDAs for Discrimination, Retaliation, and Harassment Claims . . . and Fundamentally Attacking Arbitration Agreements**

*Littler ASAP*

March 20, 2019

### **Spotlight on Positive Employee Relations Training: How Employers Can Reap the Benefits of Employee Engagement**

*Littler Podcast*

August 9, 2018

### **Court Finds Common Law Causes of Action Not Preempted by New Jersey Trade Secrets Act**

*Littler ASAP*

January 22, 2013

### **Employee Handbook Provision Not Enough for Enforceable Confidentiality Agreement**

*Littler ASAP*

March 30, 2012

### **New Jersey Department of Labor and Workforce Development Requires New Handout/Poster**

*Littler ASAP*

November 10, 2011

### **Littler Mendelson Continues Remarkable Growth with Addition of 10 Attorneys to Its Tri-State Offices**

*Littler Press Release*

April 16, 2008

## Books & Book Chapters

- How Arbitration Works, *Bloomberg BNA*, 4th Ed., Contributing Author