

## Keith J. Rosenblatt

Shareholder

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## Focus Areas

Litigation and Trials  
Discrimination and Harassment  
Whistleblowing, Compliance and Investigations  
Hiring, Performance Management and Termination  
Leaves of Absence and Disability Accommodation

## Overview

For over 25 years, Keith J. Rosenblatt has defended employers and management against claims in federal and state courts at both the trial and appellate levels, and before federal, state, and local EEO and other administrative agencies. A significant portion of his practice also includes keeping employers across the country out of court – and helping them achieve business objectives – by providing practical legal advice regarding all aspects of the employment relationship. This includes counseling on performance management, workplace discrimination and harassment, internal complaint investigations, individual terminations and reductions in force, leave entitlements, disability accommodations, and remote/telework arrangements. His HR counseling practice also includes drafting and reviewing employment policies and employment agreements of every kind. This includes noncompetition and nondisclosure agreements, which he also helps employers defend and enforce.

Keith's litigation and counseling experience includes claims and issues involving:

- Discrimination, harassment, and retaliation, including whistleblower issues
- Breaches of contract
- Wrongful terminations
- Wage and hour violations
- Trade secrets and unfair competition
- Title VII, the Americans with Disabilities Act, and the Age Discrimination in Employment Act

- The Family and Medical Leave Act and state leave laws
- The New Jersey Law Against Discrimination
- The New Jersey Conscientious Employee Protection Act
- The New York State and City Human Rights Laws

In the courtroom, Keith has compiled an exceptional record of success. He has had countless cases dismissed before trial in both federal and state courts, on both summary judgment and motions to dismiss. His successes include:

- Opposing a petition for writ of certiorari to the United States Supreme Court in a case involving ERISA
- Obtaining pre-trial dismissals in age, race, national origin, sex, and disability discrimination cases, in sexual and racial harassment cases, and in retaliation cases, under state and federal laws
- Obtaining pre-trial dismissals in cases alleging breaches of implied employment contracts arising from employee handbooks
- Defending such dismissals in state and federal appellate courts

Keith has published articles and lectured on implied employment contracts, discrimination and whistleblower claims, leave entitlements, and proper management and litigation prevention policies and practices. His speaking engagements have included presentations before the Society for Human Resource Management and the Council on Education in Management.

Prior to joining Littler Mendelson, Keith represented employers and management exclusively for nine years at another management-side employment law boutique firm. In law school, he was a member and associate editor of the *Seton Hall Law Review*.

## Professional and Community Affiliations

- Member, Labor and Employment Law Section, New Jersey State Bar Association
- Member, Labor and Employment Law Section, New York State Bar Association

## Recognition

- Named, The Best Lawyers in America®\*, 2021-2025

\* For information about the standards for inclusion in Best Lawyers in America, please see <https://www.bestlawyers.com/about/MethodologyBasic.aspx>.

## Education

J.D., Seton Hall University School of Law, 1997, *cum laude*

B.S., Seton Hall University, 1993

## **Bar Admissions**

New Jersey

New York

## **Courts**

U.S. Supreme Court

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, Southern District of New York

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

## **Publications & Press**

### **New Jersey Court Imposes Limits on Definition of Disability**

*SHRM Online*

June 28, 2023

### **New Jersey Court Imposes Limits on State Law's Near-Limitless Definition of Disability**

*Littler Insight*

June 26, 2023

### **Non-Disparagement Provisions Not Barred by NJLAD's #MeToo Amendments, For Now**

*Littler ASAP*

July 5, 2022

### **Best Lawyers in America© 2022 Edition Honors More Than 240 Littler Lawyers**

*Littler Press Release*

August 19, 2021

### **Best Lawyers in America© 2021 Edition Honors More Than 250 Littler Lawyers**

*Littler Press Release*

August 20, 2020

### **More Family Time and Money: New Jersey Expands its Family Leave Entitlements**

*Littler Insight*

February 27, 2019

**New Jersey Courts Raise Bar for Enforceable Arbitration Agreements**

*SHRM Online*

December 4, 2018

**New Jersey Courts Continue to Raise the Bar for Enforceable Arbitration Agreements**

*Littler ASAP*

November 26, 2018

**Building Better Workers: How Apprenticeship Programs Can Benefit the Construction Industry**

*Littler Podcast*

June 5, 2018

**New Jersey Agency Issues Regulations on Statewide "Ban-the-Box" Law**

*Littler Insight*

January 20, 2016

**Quinlan Revisited: Employees Who Steal Personnel Records May Not Necessarily Be Fired, But At Least They May Be Prosecuted**

*Littler Insight*

July 7, 2015

**Whistleblower Ruling Draws Fire From Employment Bar**

*New Jersey Law Journal*

June 24, 2015

**Job Applications Can Cut Short Protracted Litigation**

*Law360.com*

September 5, 2014

**New Jersey's "Opportunity to Compete Act" Continues the Nationwide "Ban-the-Box" Trend**

*Littler Insight*

August 12, 2014

**Keeping it Short: Employers Can Use Employment Applications to Reduce Employees' Time to Sue**

*Littler Insight*

July 2, 2014

**New Jersey Decision Offers Cautionary Tale to Employers Regarding How Courts May Interpret Whether Employee's Release is Knowing and Voluntary**

*Littler Insight*

September 9, 2013

**At-Will Employment Takes Another Hit in New Jersey as Maternity Leave Policy Gives Birth to Implied Employment Contract**

*Littler Insight*

June 28, 2011

**The End Justifies the Means: New Jersey Supreme Court Rewards Employees Theft of Personnel Documents in the Name of the Law**

*Littler Insight*

December 20, 2010

**New Jersey Supreme Court Clarifies that Essential Job Functions Shape the Duty of Reasonable Accommodation and Light Duty Need Not Be Made Permanent**

*Littler Insight*

July 2, 2007

**Keith Rosenblatt Advises Companies on How to Avoid Lawsuits**

*SmartMoney.com*

June 19, 2006

**The Summary Jury Trial: An Alternative to the Traditional Alternative Dispute Resolution Process**

*Metropolitan Corporate Counsel Vol. 13, p.16*

May 2005

**Unions May Be Permitted to Organize Through Corporate E-Mail Systems**

*Metropolitan Corporate Counsel, Vol. 8, p.18*

May 2000

**Supreme Court Extends Protections to Employees Who Blow Whistle on Co-Workers**

*158 N.J.L.J 32*

1999

**With or Without an Agreement, Former Employees May Be Restricted from Competing**

*Metropolitan Corporate Counsel, Vol. 16, p.20*

June 1998

**New Jersey's Recent Employment Manual Decisions: Traditional Contract Law Abandoned in Favor of an Employee's Unreasonable Expectations**

*25 Seton Hall L. Rev. 1496*

1995

## **Speaking Engagements**

### **On the Cutting Edge of Corporate Protection**

Newark, NJ

October 26, 2012