



JAY P. WARREN

**Senior Counsel
New York**

E: jay.warren@bclplaw.com

T: [+1 212 541 2110](tel:+12125412110)

BIOGRAPHY

Jay Warren represents employers in litigating employment discrimination, contract (primarily non-competition, confidentiality, and compensation issues) and ERISA disputes in state and federal trial and appellate courts, arbitration tribunals (AAA, FINRA) and mediations, as well as litigating complex commercial cases. He also negotiates executive employment agreements (for employers, investors, and senior executives), hedge fund employment agreements (for hedge funds and portfolio managers), independent contractor agreements, severance agreements, and non-competition agreements. Mr. Warren also has extensive experience counseling employers regarding employment law compliance (particularly disability accommodation, FLSA, harassment, employee termination, and reduction-in-force issues) and assessment of non-competition and unfair competition liability risks, and conducting internal investigations of discrimination complaints. He has extensive experience in issues specific to airline, construction, financial services, health care, higher education, hospitality, retail, and trucking industries.

Mr. Warren has taught courses as an Adjunct Associate Professor at Cardozo Law School on the Age Discrimination in Employment Act, general employment law, and labor law. Mr. Warren has also made numerous presentations to attorneys and lay audiences on disability discrimination law issues, as well as presentations at bar sponsored programs on age discrimination, labor antitrust and employment discrimination litigation issues.

CIVIC INVOLVEMENT & HONORS

- Judicial Clerk for Judge Herbert A. Fogel of the United States District Court for the Eastern District of Pennsylvania, 1977-1978

PROFESSIONAL AFFILIATIONS

- Association of the Bar of the City of New York
- American Bar Association

ADMISSIONS

- New York, 1978

EDUCATION

New York University, J.D., 1977

Yale University, A.B., *cum laude*, 1972

RELATED PRACTICE AREAS

- Employment & Labor
- Financial Services Corporate & Regulatory Team
- Regulation, Compliance & Advisory
- Investigations
- Hotels and Hospitality
- Real Estate Retail
- Corporate
- Litigation & Dispute Resolution
- Outdoor Industry
- Financial Regulation Compliance & Investigations

- Cross-border Employment Issues
- Employment Class & Collective Actions
- Financial Services
- ERISA & ESOP
- Real Estate
- Real Estate Private Equity, Investments & REITs
- Workouts & Financial Restructuring
- Wealth Management
- Subchapter S
- Going Private
- Community Banking Litigation
- De Novo Banking
- Pensions
- Share Plans & Incentives
- Plan Design & Implementation
- Plan Administration & Fiduciary Issues
- Welfare Plans
- Interdisciplinary Privacy/HIPAA Practice
- Practice Before Government Agencies
- ERISA & Employee Benefits Litigation
- International Pensions & Benefits Practice
- Executive & Deferred Compensation
- Non-Compete, Trade Secret & Employee Unfair Competition
- Employee Benefits & Executive Compensation
- Business & Commercial Disputes
- Retail & Consumer Products

EXPERIENCE

Mr. Warren's litigation experience includes:

- Litigating (in arbitrations) and resolving withdrawal liability disputes on behalf of both multiemployer pension funds and employers
- Appealing a federal district court decision limiting a multiemployer welfare fund's audit of a contributing employer
- Arbitrating intellectual property ownership dispute

- Successful mediations of sexual harassment and sex discrimination claims by executives against employer clients
- Successful mediations/settlements of FLSA and New York Labor Law claims against employer clients
- Successful mediations/settlements of ADA and Fair Housing Act accessibility claims against retail store operator and landlord clients
- Settling employer claims against employee for breach of fiduciary duty after defeating employee's motion for summary judgment
- Obtaining dismissal of defamation claims against a national retail store employer based on plaintiff's deletion of electronically stored information from his home computer
- Defending pattern and practice national origin discrimination claims against a publicly traded foreign corporation and its U.S. subsidiary challenging numerous termination, promotion and transfer decisions
- Obtaining summary judgment for national provider of hospital services on race and sex discrimination and retaliation claims by former manager
- Defending age discrimination claims against numerous airlines and Air Line Pilots Association challenging age limits on, and transfer rules applying to, second officer/flight engineer positions
- Defending a national broker-dealer against class action claims by financial advisors that forfeitures of employee contributions to deferred compensation plans violated ERISA non-forfeiture and fiduciary duty rules
- Obtaining summary judgment for a hospital pension fund and hospital on claims that there was a partial termination of the pension plan and the hospital interfered with plaintiffs' receiving pension benefits
- Obtaining arbitration award upholding pension fund's withdrawal liability methodology, and obtaining related judgment enforcing withdrawal liability payment obligations to the fund
- Obtaining consent permanent injunction for national retail store employer against a senior sales manager enforcing his contractual non-competition covenants
- Defending the Governor of Kansas in an original proceeding in the Kansas Supreme Court challenging the constitutionality of a law regulating picketing at funerals

Mr. Warren's recent contract negotiation and internal investigation experience includes:

- Advising hedge funds in designing and drafting compensation plans and employment policies, and advising numerous portfolio managers and traders in negotiating employment agreements.
- Advising the compensation committee of publicly traded company regarding CEO employment agreement, and advising numerous companies and senior executives in negotiating and drafting employment agreements
- Advising purchasers and sellers in corporate transactions in which continued employment of seller's senior executives is a key element of the transaction in negotiating and drafting employment agreements and non-competition covenants
- Advising numerous employers in designing and implementing reduction-in-force strategies
- Advising numerous employers in designing policies, and responding to individual employee requests, for medical leave in excess of Family and Medical Leave Act requirements

RESOURCES

PUBLICATIONS

- Co-author, "A Labor Lawyer's Guide to Avoiding the Surprise Withdrawal Liability Assessment," *Thomson Reuters News & Insight*, April 2012
- "Judicial Review of Arbitration Awards: Cases on Sexual Harassment, Drug Abuse, and Similar Problems - a Union View," in Stein, B., *Contemporary Issues in Labor and Employment Law, Proceedings of New York University 48th Annual Conference on Labor*, Little, Brown and Co., New York 1996
- "Report of the Labor and Employment Law Committee of the Association of the Bar of the City of New York Regarding the Application of RICO to Labor - Management Relations," *The Record of the Association of the Bar of the City of New York*
- "Special Industry Provisions" of Withdrawal Liability section in Gibbs, J., et al., *Employee Benefits Law*, The Bureau of National Affairs, Inc., Washington, D.C. 1991
- "Arbitration Advocacy from the Union Perspective," with James R. Grisi, in Stein B., *Proceedings of New York University 43rd Annual Conferences on Labor*, Little, Brown and Co., New York, 1990

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