

Bob C. Drake

Of Counsel

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Practice Areas

Competition and Trade Secret Law
Complex Litigation and Jury Trials
Discrimination and Harassment
Healthcare

Overview

Robert C. Drake represents employers in all aspects of employment law, ranging from counseling to litigation, with a particular focus on employers in health care and in hospital and clinical settings. His unique experience allows him to work closely with in-house counsel and human resources professionals to address litigation, investigations and employee relations concerns creatively and from a wide business perspective.

Robert has extensive experience with the following aspects of employment law:

- Conducting internal investigations into potential employee wrong-doing and fraud
- Advising employers interacting with government regulators, investigators and law enforcement in employee wrong-doing or employee whistle-blowing matters
- Conducting or coordinating investigations of alleged improper influence, kick-backs, false claims or false certifications
- Conducting or coordinating investigations of theft of controlled substances from hospital pharmacies
- Coordinating client communication in cooperation with major governmental investigations into industry
- Preparing and defending company representatives testifying under government investigative subpoenas

In addition to defending employers in discrimination litigation and other wrongful termination actions, Robert has drafted and litigated:

- Employment and executive agreements
- Severance agreements
- Restrictive covenants
- Non-compete agreements

- Mandatory employment dispute arbitration provisions

He has tried numerous bench and jury trials in state and federal courts and has prevailed in motions decided by judges. Robert has also defended employers in wage and hour class action and collective action cases under both state and federal laws and against discrimination class actions in federal court and in arbitration. Additionally, he has successfully argued appeals in federal courts, including a precedent-setting Americans with Disabilities Act decision.

Amongst his major unfair business practice cases, Robert prosecuted a case involving the "lift-out" of an entire medical specialty practice group by a local competitor immediately prior to the client closing an acquisition by an out-of-state corporate suitor. When the suitor delayed closing the deal, citing the "lift-out" as a material change in terms, Robert obtained a temporary restraining order preventing the defections until after the deal closing.

Prior to joining Littler Mendelson, Robert was senior counsel in labor and employment and corporate litigation for a global health services company based in Philadelphia. He also served as the chief employment law counsel for an acute care hospital system in Albuquerque, New Mexico, for more than five years. He was also a judicial law clerk to the Honorable John P. Fullam, Chief Judge of the U.S. District Court, Eastern District of Pennsylvania.

Professional and Community Affiliations

- Member, Philadelphia Bar Association

Education

J.D., Temple University

B.A., Reed College

Bar Admissions

Pennsylvania

Courts

U.S. Court of Appeals, 3rd Circuit

U.S. Court of Appeals, 4th Circuit

U.S. Court of Appeals, 6th Circuit

U.S. Court of Appeals, 8th Circuit

U.S. Court of Appeals, 9th Circuit

Pennsylvania Supreme Court

U.S. District Court, Eastern District of Pennsylvania

U.S. District Court, Western District of Pennsylvania

U.S. District Court, Eastern District of Michigan

Publications & Press

July 26, 2012

Managing the Hospital-Physician Relationship
Hospital & Health Networks

August 21, 2009

An Employment Law Guide for Federal Contractors in the Wake of the American Recovery and Reinvestment Act of 2009
Littler Report

March 4, 2008

Littler Mendelson Welcomes Bob Drake to Philadelphia Office
Littler Press Release

Blog Posts

May 17, 2012

Federal Court Denies HCQIA Immunity to Hospital in Lawsuit by Physician for Loss of Privileges
Healthcare Employment Counsel

February 10, 2012

Hospital Pays \$3.5 Million to Settle Whistleblower Claims of Improper Physician Recruitment
Healthcare Employment Counsel

December 2, 2011

Whistleblower Retaliation Claims Against Hospitals and Other Healthcare Providers Increase
Healthcare Employment Counsel

September 7, 2011

CMS Issues Advisory Opinion Approving Physician Noncompete
Healthcare Employment Counsel