



Eric D. Witkin

Special Counsel

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Focus Areas

Discrimination and Harassment

Overview

For more than 35 years, Eric D. Witkin has successfully represented management in employment litigation before federal and state courts and administrative agencies, including the Equal Employment Opportunity Commission and the New York State Division of Human Rights, focusing on the defense of discrimination claims arising under Title VII and New York State and City Human Rights Law.

Eric has defended employers and individual managers in both single plaintiff and large class actions involving the full range of employment law issues, including:

- Discrimination based on age, race, disability, gender, sexual orientation, religion and national origin
- Retaliation
- Sexual harassment
- Breach of contract
- Wrongful discharge
- Tortious interference with contract
- Intentional infliction of emotional distress
- Negligent hiring and supervision
- Defamation
- Breach of non-solicitation and non-compete agreements

His successes include summary judgments in favor of employers dismissing claims of disability discrimination, harassment and retaliation; age and gender discrimination and breach of contract; race discrimination and retaliation; sexual harassment and constructive discharge; claims for post-termination commissions; claimed violations of New

York's whistleblower law; claims of hostile environment sexual harassment and retaliation; and claims of religious discrimination and retaliation.

Eric also has had major responsibility in cases notable for the novelty of the legal theories advanced and the degree of risk entailed. They include rejections of the doctrine of compelled self-defamation and the Equal Pay Act pay discrimination claims of hundreds of flight attendants.

Eric works with a diverse group of clients that includes:

- A regional transportation authority
- Commuter railroads
- Residential real estate management companies
- Hospitals
- Restaurant chains
- Drug store chains
- Retail chains

Prior to working at Littler Mendelson, Eric served in various positions, from associate to of counsel, at other firms.

Professional and Community Affiliations

- Member, New York City Bar Association
- Member, Labor and Employment Law Section Committee on Equal Employment Opportunity Law, New York State Bar Association
- Member, Labor and Employment Law Section, American Bar Association
- President, Congregation Emanu-El of Westchester, 2002-2004
- Trustee, 1996-2007, Congregation Emanu-El of Westchester
- President, Columbia College Alumni Association, 1988-1990
- Member, Board of Directors, Columbia College Alumni Association, 1974-1990
- President, Columbia Alumni Association, 1997-1999

Recognition

- Named, The Best Lawyers in America®, 2013-2021
- Awarded, AV® Peer Review Rating, *Martindale-Hubbell*
- Named, Super Lawyer, New York, *Super Lawyers*, 2006-2008, 2010-2011, 2014-2015, 2019

Education

J.D., Harvard Law School, 1972

A.B., Columbia University, 1969, *magna cum laude*

Bar Admissions

New York

District of Columbia

Courts

U.S. Supreme Court

U.S. Court of Appeals, 2nd Circuit

U.S. Court of Appeals, D.C. Circuit

U.S. District Court, District of Columbia

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

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

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

Publications & Press

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

Littler Press Release

August 20, 2020

New Class Action Suits Claim Stores Must Supply Gifts Cards With Braille

Littler ASAP

November 4, 2019

Best Lawyers in America© 2020 Edition Honors More Than 200 Littler Lawyers; 14 Named Lawyer of the Year

Littler Press Release

August 15, 2019

NYC Public Accommodations Will be Required to Post Signs that Portable Ramps are Available

Littler ASAP

July 15, 2019

Best Lawyers in America© 2019 Edition Honors More Than 200 Littler Lawyers

Littler Press Release

August 15, 2018

Best Lawyers in America© 2018 Edition Honors More Than 200 Littler Lawyers

Littler Press Release

August 17, 2017

The Best Lawyers in America© Honors More Than 180 Littler Lawyers in Its 2017 Edition

Littler Press Release

August 16, 2016

Littler Attorneys Recognized in the Best Lawyers in America© 2016 Edition

Littler Press Release

August 18, 2015

Littler Attorneys Included in the Best Lawyers in America© 2015 Edition

Littler Press Release

August 18, 2014

Littler Attorneys Named in Best Lawyers in America® 2014 Edition

Littler Press Release

August 15, 2013

Best Lawyers in America® Names 164 Littler Attorneys to 2013 Edition

Littler Press Release

September 7, 2012

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

Littler Press Release

April 16, 2008