

## Gary J. Lieberman

Shareholder

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### Focus Areas

Litigation and Trials  
Discrimination and Harassment  
Leaves of Absence and Disability Accommodation  
Whistleblowing, Compliance and Investigations  
Financial Services

### Overview

Gary J. Lieberman represents management in all matters of employment and labor litigation, conducts sensitive investigations, and provides legal counsel and advice on all aspects of the employment relationship with particular emphasis on:

- Federal and state discrimination and harassment cases
- Wrongful termination claims
- Whistleblower and retaliation claims
- Defamation
- Wage and hour disputes
- Disability leave laws and compliance
- Litigation prevention measures

Gary has extensive experience defending large financial institutions and retail establishments as part of their national portfolio of employment lawsuits. Gary also has experience representing hospitals and employers in the manufacturing and hospitality sectors. His litigation practice includes first chair trial experience, the defense of employers in state and federal courts, agencies and arbitral forums throughout the country, including the Equal Employment Opportunity Commission (EEOC), the Department of Labor (DOL), Occupational Safety and Health Administration (OSHA). Gary has

developed particular skills in defending financial institutions in arbitration claims before the Financial Industry Regulatory Authority (FINRA).

Appearing regularly in federal and state courts, his experience includes defense of single-plaintiff lawsuits and jury trials related to:

- Title VII of the Civil Rights Act of 1964
- The Americans with Disabilities Act
- The Family and Medical Leave Act
- The Age Discrimination in Employment Act
- The Fair Labor Standards Act

Gary also provides practical and business-focused advice to employers on a wide variety of workplace issues, including leaves of absence, accommodations, employee discipline and discharge, employment and separation agreements, hiring, employment policies and handbooks, internal investigations and compliance.

Select samples of Gary's litigation experience include the following:

- Won jury verdict in a four day trial in the Northern District of Illinois alleging FLSA and wage claims for a large financial institution
- Led a Littler defense team at trial in Ohio State Court alleging violations of the ADA and Ohio Civil Rights Act. Judge returned a directed verdict dismissing claims and successfully handled appeal
- Won complete dismissal of a race discrimination claim in the Northern District of Alabama alleging race and gender discrimination
- Led Littler team in prevailing on motion for summary judgment on claims of religious discrimination in the Western District of Pennsylvania
- Prevailed at a three day FINRA arbitration on behalf of a broker-dealer alleging defamation on a Form U-5 and wrongful termination

## Professional and Community Affiliations

- Regional Board Member, Alumni Council, Northwestern University

## Education

J.D., George Washington University, 1990, *With Honors*

B.A., Northwestern University, 1987, *cum laude*

## Bar Admissions

Massachusetts

Illinois

## Courts

U.S. District Court, District of Massachusetts  
U.S. District Court, Northern District of Illinois  
U.S. District Court, Western District of Michigan  
U.S. Court of Appeals, 3rd Circuit

## Publications & Press

### **Legislation and Ballot Initiatives Pending in Massachusetts**

*SHRM Online*

October 9, 2023

### **The Legislative and Ballot Initiative Landscape in Massachusetts**

*Littler ASAP*

October 2, 2023

### **Massachusetts Enacts Law Banning Discrimination Based on Hair Texture and Style**

*Littler ASAP*

July 26, 2022

### **Liability not an issue with rideshare ballot question**

*CommonWealth Magazine*

May 30, 2022

### **Application of 'ABC Test' to Franchise Relationships May Cause 'Wave of Misclassification Litigation,' Employment Lawyers Say**

*Law.com*

April 12, 2022

### **Massachusetts Top Court Issues Key Ruling Impacting Independent Contractors**

*Littler Insight*

March 31, 2022

### **Form U5 Defamation Claims on the Rise at FINRA: Be Prepared!**

*Littler Insight*

March 25, 2021

### **A New Cause of Action: Massachusetts High Court Rules That Denying a Lateral Transfer Request Could Constitute Discrimination**

*Littler ASAP*

February 5, 2019

## **Speaking Engagements**

### **2022 New England Regional Employer Conference**

Boston, MA

November 15, 2022

### **A Virtual FINRA Roundtable**

June 10, 2021

### **2020 Virtual New England Employer**

November 5, 2020