



Keith J. Rosenblatt

Shareholder

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Focus Areas

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

Overview

For nearly 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 by providing practical legal advice regarding performance management, workplace discrimination, sexual and other harassment investigations, individual terminations and reductions in force, leave entitlements, disability accommodations, and other issues impacting the employment relationship. More recently, Keith has helped employers navigate the impact of COVID-19, including with regard to pandemic-specific leaves and benefits, 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:

- Unlawful 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
- The Age Discrimination in Employment Act
- The Family and Medical Leave Act and other leave laws, including relating to COVID-19
- 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

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 Littler Mendelson, Keith represented employers and management exclusively for nine years at another 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^{®*}, 2021-2023

* 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

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

Little ASAP

July 5, 2022

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

Little Press Release

August 19, 2021

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

Little Press Release

August 20, 2020

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

Little 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

Little ASAP

November 26, 2018

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

Littleter Podcast

June 5, 2018

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

Littleter Insight

January 20, 2016

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

Littleter 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

Littleter Insight

August 12, 2014

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

Littleter 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

Littleter Insight

September 9, 2013

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

Littleter 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

Little 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

Little 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