



## Philip M. Berkowitz

Shareholder

900 Third Avenue  
New York, NY 10022  
main: (212) 583-9600  
direct: (212) 497-8481  
fax: (212) 832-2719  
pberkowitz@littler.com



---

### Focus Areas

International Employment Law  
Discrimination and Harassment  
Executive Compensation  
Unfair Competition and Trade Secrets  
Corporate Compliance and Ethics  
Investigations  
Financial Services

### Overview

Philip M. Berkowitz is the U.S. practice co-chair of Littler's International Employment Law Practice Group and co-chair of the Financial Services Industry Group. He advises multinational and domestic companies in a wide range of industries on employment-related matters. He has significant experience advising multinational companies regarding U.S. and overseas employment and executive compensation practices. He represents employers in individual and class action lawsuits and arbitrations, and he appears in U.S. federal and state courts and before administrative agencies and international arbitration tribunals.

Philip handles all regulatory facets of employment law, including:

- Compliance with equal employment and other statutes governing the workplace
- Employee benefits
- Executive compensation
- Employment agreements
- Restrictive covenants
- Trade secrets
- Non-compete agreements

His diverse selection of clients includes companies in financial services, oil and gas, pharmaceuticals and chemicals, publishing, and fundraising.

A respected authority on international employment law issues, Philip conducts training worldwide on labor and employment matters. He is a frequent speaker before the American Bar Association, the International Bar Association, the Japan Society and other prominent international organizations. Philip is the founding chair of the Practising Law Institute's (PLI) Annual International Employment Law Conference.

Philip previously worked as a partner and head of international employment law at a full-service international law firm.

## Professional and Community Affiliations

- Vice Chair, International Employment Law Committee, International Law Section, American Bar Association
- Vice Chair, Employment Law Committee, International Law Section, American Bar Association
- Vice Chair, Diversity and Equality Law Committee, International Bar Association
- Officer, Diversity and Equality Law Committee, International Bar Association
- Former Chair, International Law Practice Section, New York State Bar Association
- Founding Chair, International Employment Law Committee, New York State Bar Association
- Member, Corporate Advisory Council, Japan Society
- Member, Counsels' Council, Pro Bono Legal Advisory Committee, Lincoln Center
- Member, Legal Counsel Committee, China General Chamber of Commerce

## Recognition

- Named, The Best Lawyers in America®, 2007-2021
- Named, Who's Who in American Law, 2014
- Named, International Who's Who of Management Labour and Employment Lawyers, *Who's Who Legal*, 2012-2016
- Named, America's Leading Lawyers for Business, *Chambers USA*, 2005-2018
- Named, Who's Who of Management Labour and Employment Lawyers, *Who's Who Legal*, 2011
- Awarded, AV® Peer Review Rating, *Martindale-Hubbell*
- Named, Recognised Practitioner, *Chambers USA*, 2017, 2019-2020

## Education

J.D., Northwestern School of Law of Lewis and Clark College, 1978

B.A., State University of New York at New Paltz, 1975

## Bar Admissions

New York

## Courts

U.S. Court of Appeals, 1st Circuit  
U.S. Court of Appeals, 2nd Circuit  
U.S. Court of Appeals, 5th Circuit  
U.S. District Court, Western District of New York  
U.S. District Court, Eastern District of New York  
U.S. District Court, Southern District of New York  
U.S. District Court, Northern District of New York

## Publications & Press

### **Reopening and COVID-19: Risks of Moving Too Fast**

*New York Law Journal*  
November 10, 2020

### **Internal Investigations and Work Product: Recent Cases**

*New York Law Journal*  
September 9, 2020

### **Cross-Border Sexual Harassment Claims and Investigations**

*American Bar Association*  
September 2, 2020

### **Best Lawyers in America® 2021 Edition Honors More Than 250 Littler Lawyers**

*Littler Press Release*  
August 20, 2020

### **EACCNY Post-Pandemic Labor Series Presents: Working from Home and the Challenges of Remote Supervision**

*European American Chamber of Commerce*  
July 27, 2020

### **Foreign Expatriates and U.S. Discrimination Lawsuits**

*New York Law Journal*  
July 8, 2020

### **Discovery of Personnel Records in Employment Discrimination Cases**

*New York Law Journal*  
July 2, 2020

**Sources: Panel to look at NBA medical records**

*ESPN*

June 11, 2020

**A Challenge to New Joint Employer Rules**

*New York Law Journal*

March 11, 2020

**Employee Bad Actors: Can Employers Recover?**

*New York Law Journal*

January 8, 2020

**Banks and Whistleblowers: Regulators Pounce**

*New York Law Journal*

November 13, 2019

**Cross-Border Investigations: A Practical Update**

*New York Law Journal*

September 11, 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

**Heightened Regulation of Corporate Compliance Programs**

*New York Law Journal*

July 10, 2019

**The Intersection of FCPA Enforcement and Whistleblower Claims**

*New York Law Journal*

May 8, 2019

**Littler Ranked in 2019 Chambers USA Guide**

*Littler Press Release*

April 25, 2019

**DFS Whistleblower Guidance: Advice and a Warning Shot**

*New York Law Journal*

March 13, 2019

**The Hague Evidence Convention's Rarely-Used Private Commissioner Provision May Be a Viable Option for Cross-Border Discovery**

*New York Law Journal*

February 1, 2019

**Advising Banks: the CSI Peril**

*New York Law Journal*

January 9, 2019

**The Foreign Corrupt Practices Act: A Trip-Wire for Financial Executives**

*New York Law Journal*

November 7, 2018

**The Foreign Corrupt Practices Act: A Trip-Wire for Financial Executives**

*Financial Executive*

August 28, 2018

**Best Lawyers in America® 2019 Edition Honors More Than 200 Littler Lawyers**

*Littler Press Release*

August 15, 2018

**#MeToo at Home and Abroad**

*Littler Insight*

July 16, 2018

**#MeToo at Home and Abroad**

*New York Law Journal*

July 11, 2018

**Littler Attorneys Named in 2018 Who's Who Legal Labour, Employment & Benefits Guide**

*Littler Press Release*

June 5, 2018

**Littler Ranked in 2018 Chambers USA Guide**

*Littler Press Release*

May 15, 2018

**Different Cultures, Different Legal Approaches**

*New York Law Journal*

May 9, 2018

**Non-Disparagement Agreements: Worth It?**

*New York Law Journal*

February 23, 2018

**Hiring Practices and the FCPA**

*New York Law Journal*

January 10, 2018

**Employment Pact Seen As Paper Tiger In Trump-Bannon Feud**

*Law360*

January 5, 2018

**Littler Attorneys Named in 2017 Who's Who Legal Guide**

*Littler Press Release*

September 28, 2017

**DOL Flip-Flop: SOX's Anti-Retaliation Provisions Apply to Overseas Conduct After All**

*Littler Insight*

September 15, 2017

**DOL Flip-Flop: SOX's Anti-Retaliation Provisions Apply to Overseas Conduct After All**

*New York Law Journal*

September 14, 2017

**Here's What Lawyers are Telling Companies to Do About DACA**

*CNN Money*

September 8, 2017

**Focusing on Labor and Employment Issues Will Always Be in Fashion**

*New York Law Journal*

August 28, 2017

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

*Littler Press Release*

August 17, 2017

**Japanese Expatriates and U.S. Discrimination Lawsuits**

*Corporate Counsel Connect*

June 1, 2017

**US: Heightened Standards and Bank Human Resources**

*International Bar Association Banking Law News*

May 2017

**Littler Survey Reveals Employers Caught in a Tangled Web of Federal, State and Local Laws**

*Littler Press Release*

May 11, 2017

**Investigations Guidance for Multi-Nationals**

*New York Law Journal*

May 10, 2017

**Trade Secrets and Whistleblower Disclosures**

*New York Law Journal*

March 8, 2017

**American Presidency: Trump's Win Confuses a Jittery Middle East**

*International Bar Association*

January 23, 2017

**Employment Law Expectations of a Trump Administration**

*New York Law Journal*

January 11, 2017

**New SEC 'Risk Alert' on Confidentiality Agreements**

*New York Law Journal*

November 9, 2016

**DOJ and FTC Release Antitrust Guidance for HR Professionals**

*Littler Insight*

November 8, 2016

**No-Poaching Pacts Could Land HR Professionals in Jail**

*Bloomberg BNA Human Resources Report*

November 4, 2016

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

*Littler Press Release*

August 16, 2016

**Heightened Standards and Bank Human Resources**

*New York Law Journal*

July 14, 2016

**'Hybrid' Retaliation Claims and Investigation Protocols**

*New York Law Journal*

May 12, 2016

**Littler Names Co-Chairs to Financial Services Industry Group**

*Littler Press Release*

April 5, 2016

**'Extraordinary' Expansion of Whistle-Blower Rights Proposed**

*SHRM*

March 16, 2016

**Background Checks in Banks, Conflicts with New Laws**

*New York Law Journal*

March 10, 2016

**Philip M. Berkowitz Appointed Vice Chair of the International Bar Association's Discrimination and Equality Law Committee**

*Littler Press Release*

February 1, 2016

**New U.K. Whistleblower Rules Rein in Banks**

*New York Law Journal*

January 14, 2016

**Ray Kelly, Other Experts Warn Companies to Be Prepared for Risks after Paris Attacks**

*Inside Counsel*

November 18, 2015

**Questioning Gender Quotas**

*Workforce*

October 22, 2015

**European Court of Justice Expands the Definition of Working Time**

*Littler Insight*

September 29, 2015



**Whistle-Blowing Policies Needed in Response to Ruling**  
*Society for Human Resource Management (SHRM) Online*  
September 17, 2015

**Gender, Diversity, European Quotas, and U.S. Law**  
*New York Law Journal*  
September 10, 2015

**Gender Quotas: Laudable in Europe, Discriminatory in U.S.**  
*Wolters Kluwer*  
September 3, 2015

**Littler Attorneys Recognized in the Best Lawyers in America© 2016 Edition**  
*Littler Press Release*  
August 18, 2015

**Treasury's OCC Churns Human Resources Seas**  
*New York Law Journal*  
July 15, 2015

**In Pursuing Gender Diversity Goals, Beware Lawsuits**  
*Corporate Counsel*  
July 10, 2015

**PLI Looks at Cross-Border Employees and International Data**  
*LegalTechNews*  
July 2, 2015

**Lawyers and PR Strategy: The Privilege, and the Limits**  
*New York Law Journal*  
May 14, 2015

**Whistleblower Laws Abroad Remain Weak and Untested**  
*Compliance Week*  
April 28, 2015

**Top 10 Considerations when Outsourcing in Mexico**  
*ACC Legal Resources*  
April 20, 2015

**SEC's Attack on Confidentiality Agreements**

*Littler Insight*

April 6, 2015

**SEC and EEOC's Interest in Confidentiality Agreements**

*New York Law Journal*

March 11, 2015

**Top 10 International Employment Law Issues in 2015**

*New York Law Journal*

January 8, 2015

**2015 Hot Topics for Multinational Companies**

*Littler Insight*

December 22, 2014

**Bounties for Wandering Whistleblowers**

*New York Law Journal*

November 13, 2014

**Chinese companies in US urged to learn the employment laws**

*GlobalAutoIndustry.com*

October 21, 2014

**Whistleblowers stand to reap the benefits with possibility of higher payouts**

*InsideCounsel*

September 26, 2014

**Chinese companies in US urged to know employment law**

*ChinaDaily USA*

September 18, 2014

**New York and Texas: New Non-Compete 'Partners'**

*New York Law Journal*

September 11, 2014

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

*Littler Press Release*

August 18, 2014

**Littler's Philip Berkowitz Appointed Vice-Chair of the American Bar Association's International Employment Law Committee**

*Littler Press Release*

July 11, 2014

**'Presumption of Prudence' Axed in ESOP Stock-Drop Cases**

*New York Law Journal*

July 10, 2014

**Supreme Court Axes "Presumption of Prudence" in ESOP Stock-Drop Cases**

*Littler Insight*

July 7, 2014

**The eBay Settlement: A Look at No-Hire Agreements**

*New York Law Journal*

May 8, 2014

**Littler Named Law Firm of the Year for Labor and Employment by Who's Who Legal**

*Littler Press Release*

April 2, 2014

**Outsourcing in Mexico: Best Practices**

*Association of Corporate Counsel*

March 24, 2014

**Supreme Court Grants Lawyers Whistleblower Protection**

*New York Law Journal*

March 13, 2014

**More CNIL Guidance for Multinationals Seeking to Comply with SOX & Dodd-Frank**

*Littler Insight*

March 4, 2014

**Split Payroll And Alternatives For Expatriates And Cos.**

*Law360.com*

February 5, 2014

**Whistleblower Claims: Issues for 2014**

*New York Law Journal*

January 9, 2014

**USA Report 2013: New York: The 'go to' State for M&A**

*Iberian Lawyer*

January 9, 2014

**The Attorney-Client Privilege and Advising Across Borders**

*New York Law Journal*

November 29, 2013

**A Kiss in the Caribbean Results in a Lawsuit in New York**

*New York Law Journal*

September 12, 2013

**Littler Attorneys Named in Best Lawyers in America® 2014 Edition**

*Littler Press Release*

August 15, 2013

**5 Tips For Effective Cross-Border Anti-Bias Policies**

*Law360.com*

August 14, 2013

**Discrimination and Deemed Export Laws Intersect**

*New York Law Journal*

July 11, 2013

**Littler Named Management, Labour and Employment Firm of the Year by Who's Who Legal**

*Littler Press Release*

June 24, 2013

**Lawyers Think Whistleblower Protections Will Be Extended**

*Fund Action*

May 27, 2013

**Littler Mendelson Named in the 2013 Chambers USA Guide**

*Littler Press Release*

May 24, 2013

**Things to Think About When Sending Your U.S. Employee to China**

*NYSBA Inside*

May 1, 2013

**The Final Breaths of the Alien Tort Statute**

*Littler Insight*

April 19, 2013

**'Racial Entitlements,' the Voting Rights Act and Corporate Justice**

*New York Law Journal*

March 14, 2013

**The 2012 Global Employer: Highlights of Littler's Fifth Annual Global Employer Institute**

*Littler Report*

February 21, 2013

**Dynamic Year Expected in Labor and Employment Law**

*Littler Insight*

January 23, 2013

**Dynamic Year Expected in Labor and Employment Law**

*New York Law Journal*

January 10, 2013

**Looking Back at Obama's Term in Employment Law**

*New York Law Journal*

November 7, 2012

**10 Tips For An Effective Cross-Border Investigation**

*Law360.com*

October 31, 2012

**New Decision Highlights the Importance of Forum Selection Clauses in Cross-Border Employment Agreements**

*Littler Insight*

September 21, 2012

**Cross-Border Employment and Forum Selection Clauses**

*New York Law Journal*

September 13, 2012

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

*Littler Press Release*

September 7, 2012

**Littler Named World's Leading Law Firm for Management Labor and Employment Work**

*Littler Press Release*

June 12, 2012

**Cross-Border Assignments: Current Trends**

*New York Law Journal*

May 10, 2012

**The "Bring Your Own Device" to Work Movement**

*Littler Report*

May 10, 2012

**The 2011 Global Employer: Highlights of Littler's Fourth Annual Global Employer Institute**

*Littler Report*

February 15, 2012

**DOL Confirms SOX Whistleblower Protections Do Not Apply Extraterritorially**

*Littler Insight*

January 24, 2012

**FINRA Proposal on Predispute Agreements to Arbitrate Whistleblower Claims**

*Littler Insight*

December 15, 2011

**OSHA's Interim Final Regulations Clarify the Whistleblower Complaint Investigation Process and Define Available Remedies**

*Littler Insight*

November 15, 2011

**Whistleblower Investigations: Are They Privileged?**

*New York Law Journal*

November 10, 2011

**Best Lawyers in America® Names 108 Littler Lawyers to 2012 Edition**

*Littler Press Release*

September 12, 2011

**U.K. Bribery Act "On-Line" as of July 1 – U.S. Employer Impact**

*Littler Insight*

August 12, 2011

**5 Ways to Avoid Employee Misclassification Suits Abroad**

*Law360.com*

July 27, 2011

**Littler Recognized as Highly Regarded Labor & Employment Firm by Who's Who Legal and Dominates its Top Attorneys List**

*Littler Press Release*

July 11, 2011

**Chambers USA Honors Littler And Its Attorneys**

*Littler Press Release*

June 27, 2011

**European Union's Renewed Consideration of Class Actions May Create a New Mechanism for Employment Law Claims**

*Littler Insight*

April 5, 2011

**Bias theory upheld in reservist case**

*Business Insurance*

March 6, 2011

**Mandatory Shareholder Approval of Executive Compensation: SEC Releases Final Rules on "Say on Pay"**

*Littler Insight*

March 3, 2011

**Managing the Global Workforce – A Legal and Practical Guide to Dangerous International Employee Assignments**

*Littler Report*

February 17, 2011

**The United Kingdom Abolishes its Default Retirement Age**

*Littler Insight*

January 27, 2011

**Seventy-Two Littler Attorneys Named to The Best Lawyers in America® 2011**

*Littler Press Release*

August 9, 2010

**International Employment Lawyer Philip M. Berkowitz Joins Littler Mendelson's New York Office**

*Littler Press Release*

July 26, 2010

## Speaking Engagements

### **Managing Your Workforce in APAC in 2020 and Beyond**

New York, NY

October 24, 2019

### **Employment Law Essentials: Avoiding Common Legal and Human Resources Pitfalls**

New York, NY

June 26, 2019

### **New York Financial Services Roundtable**

New York, NY

June 12, 2019

### **New York Financial Services Roundtable**

New York, NY

September 25, 2018

### **International Employment Law Roundtable**

New York, NY

June 26, 2018

### **New York Financial Services Roundtable**

New York, NY

June 20, 2018

### **New York Financial Services Roundtable**

New York, NY

February 13, 2018

### **New York Financial Services Roundtable**

New York, NY

October 25, 2017

### **International Employment Law 2017**

PLI Seminar, New York, NY

June 7, 2017

### **Essential Employment and Labor Law Updates for Companies with Employees in or from Japan**

January 30, 2017



**Financial Services and Corporate Compliance**

New York, NY

November 30, 2016

**Inaugural U.K. Conference**

November 8, 2016

**Two Hot Topics: Mandatory Arbitration, and Separation / Confidentiality Agreements**

New York, NY

November 3, 2016

**Hot Topics in International Labor and Employment Law**

Warwick Allerton Hotel 701 North Michigan Avenue Chicago, IL 60611

May 19, 2016

**The Role of HR Professionals in Investigating Compliance and Whistleblower Claims**

May 5, 2016

**Corporate Compliance & Financial Services Update**

New York, NY

November 19, 2015

**Littler Global Mexico Conference**

W Mexico City Calle Campos Elíseos 252, Miguel Hidalgo, Polanco, 11560 Mexico City, D.F., Mexico

November 11, 2015

**Littler Global Primera Conferencia en México y Monterrey**

W Ciudad de México Calle Campos Elíseos 252, Miguel Hidalgo, Polanco, 11560 México, Distrito Federal

November 11, 2015

**Littler Global Primera Conferencia en México y Monterrey**

NH Collection Monterrey Av. José Vasconcelos 402, Valle de Santa Engracia, 66268 San Pedro Garza García, NL, México

November 10, 2015

**Littler Global Mexico Conference**

NH Collection Monterrey Av Jose Vasconcelos 402, Valle de Santa Engracia, 66268 San Pedro Garza García, NL, Mexico

November 10, 2015

**2015 Tri-State Employer Conference**

New York, NY

November 5, 2015

**International Employment Law 2015**

Practising Law Institute, New York, NY  
June 29, 2015

**NAFTA 21 Years: Assessment and New Opportunities for the Tri-State Business Community**

New York, NY  
May 26, 2015

**Employee health and wellness programmes and policies – are they essential or just nice to have?**

Rome, Italy  
April 9, 2015

**What Employers in Small and Medium-Sized Companies Need to Know: Contrasting French, American & New York Labor Laws**

New York, NY  
March 31, 2015

**Best Practices for Cross-Border Employment Agreements**

Association of Corporate Counsel (ACC) Webinar  
November 11, 2014

**The 2014-2015 Labor & Employment 'Hot' Topics for Asia and U.S. Employers**

Client Presentation, Tokyo, Japan  
October 23, 2014

**Whistleblower Update: New Risks & New Regulation in Europe & the United States**

New York, NY  
July 9, 2014

**Conducting Cross-Border Investigations: Disclosure, Privilege, and Related Issues: Overcoming Challenges and the Latest Developments**

Amsterdam, Netherlands  
June 17, 2014

**Investigating Cross-Border Whistleblower Claims: A Challenge for Multinational Employers**

July 31, 2013

**International Employment Law 2013**

Practising Law Institute (PLI)  
June 11, 2013

**Getting it Right: Strategies for Maintaining an Effective Corporate Ethics & Compliance Program**

New York, NY

February 7, 2013

**Employment Law Challenges Facing Multinationals in Asia**

Littler Mendelson, Washington D.C.

November 9, 2012

**What Every Multinational Should Know About Bounty Hunters and Whistleblowers**

Littler Mendelson, Washington D.C.

November 8, 2012

**Financial Services HR Roundtable: Failure to Communicate and Other Problems**

New York, NY

October 18, 2012

**Drafting and Enforcing Secure Cross-Border Restrictive Covenants**

July 19, 2012

**China's Labor and Employment Laws: What It Means for U.S. Employers**

New York, NY

July 19, 2012

**Channeling the Workplace Social Media Explosion: Opportunities and Risk for Employers**

New York, NY

July 18, 2012

**What You Need To Know about the Role of Employment Taxes in Everyday Business Affairs**

Littler Mendelson, Scottsdale, AZ

May 11, 2012

**Cross-Border Investigations and Litigation: A Primer for the Multinational Employer**

Littler Mendelson, Scottsdale, AZ

May 10, 2012

**Financial Services Roundtable: Update on Compensation Trends in the Financial Services Industry**

New York, NY

March 9, 2012

**Pressing Issues Facing Retailers—In the U.S. and Abroad**

New York, NY

February 13, 2012

**The Digital Workplace: Maximizing the Benefits - Minimizing the Risks**

New York, NY

January 24, 2012

**Financial Services HR Roundtable: Employment Agreements for Financial Institutions**

New York, NY

October 11, 2011

**The UK Bribery Act in the U.S.**

September 15, 2011

**Japanese Companies & U.S. Employment Law Liability: How to Avoid Court and Stay Out of the Headlines**

New York, NY

September 13, 2011

**Defensive Writing Skills: Email and Social Networking**

New York, NY

March 23, 2011

**New York Benefits Summit**

New York, NY

February 10, 2011

**The Rising Tide of Retaliation and Whistleblower Claims: What It Means for Employers**

New York, NY

October 20, 2010

**Books & Book Chapters**

- Handbook on International Employment Law, *American Bar Association*, Co-Authors: Thomas Mueller-Bonanni, Anders Etgen Reitz, 2008
- International Labor and Employment Law, *International Corporate Practice: A Practitioner's Guide to Global Success, Practising Law Institute*, Chapter 21, Chapter Co-Authors: Stefan Marculewicz, Joseph Lazazzero, Trent Sutton, and Philip Gordon, 2012