Littler
Employment & Labor Law Solutions Worldwide™

Shawn Matthew Clark

Shareholder

900 Third Avenue
New York, NY 10022
main: (212) 583-9600
direct: (212) 497-6840
fax: (212) 832-2719
smclark@littler.com

Focus Areas

Business Restructuring and M&A
Unfair Competition and Trade Secrets
Litigation and Trials
Executive Compensation
Financial Services
Healthcare
Emerging Companies and Venture Capital

Overview

Shawn Matthew Clark provides practical advice to employers on every aspect of the laws governing the workplace. He has extensive experience litigating employment disputes of all types, including defending employers and managers against claims of discrimination, retaliation, and harassment. On behalf of his clients, Shawn has won dispositive motions, temporary restraining orders, preliminary injunctions, defense verdicts, and appeals. He draws on that litigation experience to counsel employers on effective strategies for preventing litigation when possible, and preparing for litigation when it is unavoidable.

Beyond the courtroom, Shawn devotes much of his practice to business restructuring and M&A matters. In particular, he helps employers plan and implement reductions-in-force, mass layoffs, plant closings, furloughs, and other business reorganizations, including all aspects of compliance with federal and state Worker Adjustment and Retraining Notification (WARN) Acts and the Older Workers Benefit Protection Act (OWPBA). He also advises corporate clients and private equity firms on employment issues that arise in corporate transactions and performs pre-acquisition due diligence to identify employment obligations and liabilities that may affect the value and structure of the transaction.

As an unfair competition and trade secret lawyer, Shawn drafts and negotiates executive employment contracts and noncompetition, nonsolicitation, and confidentiality agreements. He also litigates claims related to such agreements,

including claims for breach of contract, misappropriation of confidential information, theft of trade secrets, unfair competition, tortious interference, and breach of the duty of loyalty. For example, on behalf of a Fortune 500 professional services company, Shawn successfully obtained a temporary restraining order and a preliminary injunction against three former employees based on breaches of their nonsolicitation and confidentiality obligations. Shawn also successfully defended a noncompetition claim against an employee of a cloud-based data security company resulting in the denial of the request for a preliminary injunction and withdrawal of the claims.

Before entering private practice, Shawn served as an assistant corporation counsel in the Labor and Employment Law Division of the New York City Law Department where he represented the City of New York and its agencies and officers in employment litigation.

Before law school, Shawn worked in the United States Senate for members of the Senate Judiciary Committee and the Senate Committee on Health, Education, Labor, and Pensions.

Professional and Community Affiliations

- Member, Trade Secrets Committee, New York City Bar Association
- Member, Labor & Employment Law Committee, New York City Bar Association
- Program Co-Chair, Employment Law Institute, New York City Bar Association
- Member, Labor and Employment Law Section, New York State Bar Association
- Member, American Bar Association
- Member, Federal Bar Council

Recognition

- Named, Ones to Watch, *The Best Lawyers in America®*, 2023-2024
- Named, Rising Star, New York, *Super Lawyers*, 2022-2023
- Recipient, New York City Law Department Legal Rookie of the Year Award, *New York City Law Department*, September 2013
- Recipient, Judge Doris A. Thompson and Judge Edward Thompson Award for Excellence in Trial Advocacy, *Brooklyn Law School*, June 2012
- Recipient, CALI Excellence for the Future Award in Trial Advocacy, *Brooklyn Law School*, December 2010
- First Place Winner, New York Region, *American Bar Association Labor and Employment Trial Advocacy Competition*, November 2010

Education

J.D., Brooklyn Law School, 2012, *cum laude*
B.A., The George Washington University, 2004

Bar Admissions

New York

Courts

U.S. Court of Appeals, 2nd Circuit
U.S. District Court, Southern District of New York
U.S. District Court, Eastern District of New York
U.S. District Court, Northern District of New York

Publications & Press

How HR should be thinking about noncompetes in light of potential state, federal bans
HR Brew
January 17, 2024

New York Governor Rejects Ban on Noncompete Agreements
SHRM Online
January 9, 2024

New York Curtails Release Agreements Involving Claims of Discrimination, Harassment, or Retaliation
SHRM Online
November 28, 2023

New York Enacts Greater Restrictions on Release Agreements Involving Claims of Discrimination, Harassment, or Retaliation
Littler ASAP
November 22, 2023

WARNing: Amendments to the New York WARN Act Regulations are Now in Effect
Littler ASAP
June 26, 2023

Non-Compete Ban on the Horizon in New York?
Littler ASAP
June 20, 2023

New York Seeks to Limit the Scope of Permissible Invention Assignment Agreements
Littler ASAP
June 7, 2023

Accommodating New York's Vaccine Mandate for Health Care Workers
New York Law Journal
October 29, 2021

New York City Mandates Retirement Savings Plans for All
SHRM Online
August 26, 2021

NYC Mandates Retirement for All
Littler ASAP
August 17, 2021

Littler Announces New Shareholders and Principals Elevating 26 Attorneys
Littler Press Release
January 4, 2021

Warning to New York Employers: The NY WARN Act Now Requires WARN Notices be Sent to Additional Governmental Recipients
Littler ASAP
November 11, 2020

Philadelphia Clarifies City's WARN Act to Account for COVID-19-Related Closures
Littler ASAP
April 22, 2020

WARN Act Risks Loom for Employers Re-Hiring or Un-Furloughing Employees to Receive Paycheck Protection Program Funding
Littler ASAP
April 19, 2020

New York and New Jersey Join Growing Ranks of States Penalizing Call Center Relocation
Littler Insight
February 14, 2020

Speaking Engagements

Navigating the Changing Landscape of Workplace Policies – Updates on Key Employment Handbooks, Policies, & Agreements
New York City Bar Association, 2024 Employment Law Institute
March 1, 2024

2023 Tri-State Regional Employer Conference
New York, NY
June 20, 2023

RIF Master Class
Littler Executive Employer Conference, Phoenix, AZ
May 10, 2023

The Seven Deadly Sins of Incentive Compensation Plan Hell
September 13, 2022

Homecare Consolidation: Employment Law Considerations That Can Kill Deals When Buying or Selling a Homecare Business
April 5, 2022