



## Alex Berg

Shareholder

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## Practice Areas

Discrimination and Harassment  
Wage and Hour  
Class Action  
Appellate  
HR Advice and Counsel

## Overview

Alex Berg represents and counsels employers facing a wide variety of labor and employment law issues. These issues often range from front-end training and compliance assistance to high-stakes class or collective action litigation.

Alex emphasizes practical solutions that address relevant legal obligations and best practices while also keeping businesses free to focus on what allows them to be successful in the first place. He has extensive experience advising employers and defending litigation involving issues such as:

- Title VII of the Civil Rights Act of 1964 and state fair employment practice acts
- Americans with Disabilities Act (ADA)
- Fair Labor Standards Act (FLSA) and state wage and hour/wage payment and collection laws
- Family and Medical Leave Act (FMLA)
- Age Discrimination in Employment Act (ADEA)
- Fair Credit Reporting Act (FCRA)
- Ban-the-box laws and ordinances

When informal efforts to resolve disputes prove unsuccessful, Alex zealously advocates for his clients before the National Labor Relations Board (NLRB), Equal Employment Opportunity Commission (EEOC), and state and local EEO agencies. He has taken and defended numerous depositions and handled extensive motions practice. Alex has significant trial and arbitration experience, including second-chairing a successful three-day trial in the Northern District of California and first-chairing a

successful three-day arbitration hearing in Virginia. Additionally, Alex has briefed successful appeals before federal appellate courts across the country, as well as the Maryland Supreme Court.

Alex frequently represents businesses faced with class and/or collective action lawsuits alleging systemic employee discrimination or misclassification, whether pursued by private litigants and/or government agencies. He has defended employers against such claims from the pleadings stage through class certification and discovery as well as negotiating consent decrees and obtaining favorable settlements – including obtaining court-awarded sanctions and attorney’s fees against opposing counsel for their behavior. Alex’s contributions toward successfully defeating class certification in one such case involving claims of “reverse” national origin discrimination played a part in Littler being recognized as Law360’s Employment Group of the Year in 2022.

Alex is a board member of, and regular contributor to, *Bender’s Labor and Employment Bulletin* and other publications about topical labor and employment issues, especially discrimination against LGBTQ individuals and cannabis and medical marijuana in the workplace. He also enjoys speaking about current employment issues to human resource and business professionals.

Before joining Littler, Alex practiced at a management-side labor and employment firm in the Baltimore area. Previously, Alex served as a judicial clerk to the Hon. Patrick L. Woodward on the Maryland Court of Special Appeals and the Hon. A. Franklin Burgess, Jr. on the Superior Court for the District of Columbia.

During law school, Alex was an editor of the *Georgetown Law Journal* and an executive editor of the *Annual Review of Criminal Procedure*. While studying for the bar exam, Alex interned with the D.C. Commission on Human Rights.

## Professional and Community Affiliations

- Board Member, Bender’s Labor & Employment Bulletin, since 2021
- Member , Fairfax Bar Association
- Member, Litigation and Labor and Employment Law Sections, Maryland State Bar Association
- Member, Bar Association of Montgomery County Maryland
- Member, Stanford University, Mock Trial, 2006-2008

## Recognition

- Named, Ones to Watch, *The Best Lawyers in America*®, 2022-2025

## Education

J.D., Georgetown University Law Center, 2011

B.A., Stanford University, 2008

## Bar Admissions

Virginia

Maryland  
District of Columbia

## **Courts**

U.S. Court of Appeals, 4th Circuit  
U.S. Court of Appeals, 9th Circuit  
U.S. District Court, District of Maryland  
U.S. District Court, Eastern District of Virginia  
U.S. District Court, Western District of Virginia  
U.S. District Court, District of Columbia

## **Publications & Press**

### **Annual Report on EEOC Developments – Fiscal Year 2024**

*Littler Report*

April 28, 2025

### **Virginia’s 2024 Legislative Session Sees Few Employment Bills Passed and Record Vetoes**

*Littler ASAP*

June 7, 2024

### **Annual Report on EEOC Developments – Fiscal Year 2023**

*Littler Report*

May 6, 2024

### **Littler Elevates 26 Attorneys to Shareholder to Kick Off the New Year**

*Press Release*

January 2, 2024

### **Annual Report on EEOC Developments – Fiscal Year 2022**

*Littler Report*

April 25, 2023

### **The Current Realities About Artificial Intelligence In The Workplace**

*Bender’s Labor & Employment Bulletin*

October 2022

### **More Than 230 Littler Lawyers Recognized in 2023 Edition of Best Lawyers in America®**

*Littler Press Release*

August 18, 2022

**Supreme Court Holds Arbitration Clauses May Be Waived To Same Extent As Any Other Contractual Right**

*Bender's Labor & Employment Bulletin*

July 2022

**Supreme Court Set To Evaluate Whether State Public Accommodation Laws Satisfy First Amendment Scrutiny**

*Bender's Labor & Employment Bulletin*

May 2022

**En Banc D.C. Circuit Set To Clarify Whether Transfers Constitute Adverse Action Under Title VII**

*Bender's Labor & Employment Bulletin*

December 2021

**Ministerial Exception Bars Title VII Hostile Work Environment Claims, According to En Banc Seventh Circuit**

*Bender's Labor & Employment Bulletin*

September 2021

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

*Press Release*

August 19, 2021

**Where There's No Willfulness, There's No Way: Second Circuit Affirms Dismissal of Allegedly Willful FLSA Claims At Pleadings Stage**

*Bender's Labor & Employment Bulletin*

June 2021

**New Virginia Wage and Hour and Pregnancy Discrimination/Accommodation Laws Effective July 1, 2020 Significantly Expand Employees' Rights**

*Littler ASAP*

July 6, 2020

**Virginia Prepares to Enter "Phase Two" of its Reopening Plan**

*Littler ASAP*

June 4, 2020

**Era Virginia Governor Signs Marijuana Decriminalization Law**

*SHRM Online*

May 28, 2020

**Two Steps Forward, One Step Back: Virginia Prepares for Statewide Entry Into "Phase One" of Reopening, While Issuing New Face Covering Mandate**

*Littler ASAP*

May 27, 2020

**Virginia Governor Signs Marijuana Decriminalization Law Containing Employment-Related Provisions**

*Littler ASAP*

May 22, 2020

**Virginia Delays Phase One of its Business Reopening Plan in Northern Virginia Region, Richmond, and Accomack County**

*Littler ASAP*

May 12, 2020

**Virginia Plans Gradual Three-Phase Lifting of Restrictions on Nonessential Businesses**

*Littler ASAP*

May 6, 2020

**Virginia Enacts New Legislation Offering Additional Protection to Workers**

*Littler ASAP*

April 16, 2020

**Virginia Extends Restrictions on Nonessential Businesses**

*Littler ASAP*

April 16, 2020

**A COVID-19 Guide for Employers in the DMV (DC, Maryland, Virginia)**

*Littler ASAP*

March 26, 2020

**President Trump Issues Executive Order Loosening Constraints on Federal Government Contractors' Workforce Options**

*Littler ASAP*

November 4, 2019

**Supreme Court Set To Clarify Causation Standards for Section 1981 Claims**

*Bender's Labor & Employment Bulletin*

August 2019

**Charged Up: Supreme Court to Clarify Whether Title VII's Exhaustion Requirement Is Waivable or a Jurisdictional Prerequisite to Suit**

*Bender's Labor & Employment Bulletin*

April 2019

**"Pot Shots": An Examination of Medical Marijuana Law Developments in 2018**

*Bender's Labor & Employment Bulletin*

January 2019

**Sixth Circuit Panel Holds That Title VII and EPA Do Not Require Tendering Back of Release Payments**

*Bender's Labor & Employment Bulletin*

October 2018

**Supreme Court Recap: Attorneys Assess Impact of China Agritech and Epic Systems**

*Bloomberg Law Labor and Employment Blog*

June 29, 2018

**First Circuit Affirms City of Providence Is Liable for Fire Department Ablaze with Sexual Harassment**

*Bender's Labor & Employment Bulletin*

March 2018

**Events & Speaking Engagements**

**Elections Matter: The Anticipated Impact of the 2024 Election on Labor and Employment Laws in the DMV**

December 5, 2024

**Whistleblowing Doesn't Have to Stop the Game: Strategies for Reducing the Risk of Whistleblower and Retaliation Claims**

HR Virginia 2024 Annual Conference, Richmond, VA

April 22, 2024

**Ask A Littler Attorney: 2024 Hot Topics and New Employment Laws**

February 20, 2024

**Whistle(Blowing) While You Work: An Update on Federal and Virginia State Whistleblower Retaliation Laws**

December 6, 2023

**Navigating the New "Undue Hardship" Standard for Religious Accommodation Requests After Groff v. DeJoy**

October 24, 2023

**2023 Mid-Atlantic Regional Employer Conference**

Washington, DC

June 16, 2023

**Employment Discrimination Claims: What You Need to Know NOW**

National Business Institute (NBI) Webinar

January 17, 2023

**It Wouldn't Be Fall in the DMV Region Without Leaves (of Absence)...**

November 17, 2022

**Mini Law School for Maryland HR Professionals**

National Business Institute (NBI) Webinar

August 5, 2022

**2022 Mid-Atlantic Regional Employer Conference**

Washington, DC

June 8, 2022

**Drafting Non-Disclosure Agreements**

National Business Institute (NBI) Webinar

January 14, 2022

**U.S. Vaccine Mandates vs. State Anti-Vaccination Laws and a Survey of the Dramatic Changes in Virginia Employment Protections**

Tysons Corner, VA

December 8, 2021

**New Noncompete and Nonsolicitation Rules: The Altered Legal Landscape in Virginia, D.C. and Maryland**

Tysons Corner, VA

November 17, 2021

**Tysons Corner Fall Mini-Series: A Whole New Ballgame in the Commonwealth: The Wide-ranging Repercussions of Virginia's Recently Enacted Wage and Hour Laws**

Tysons Corner, VA

November 11, 2020

**Mini Law School for HR Professionals**

National Business Institute (NBI) Webinar

October 8, 2020

**How to Handle Top Employment Claims: Tips From the Experts**

National Business Institute (NBI), Baltimore, MD

February 26, 2020

**Processes, Procedures and Laws: An overview of the EEO laws and federal/state agencies**

National Business Institute (NBI), Baltimore, MD

February 26, 2020

**Transgender Student Rights: Interpreting Legal Grey Areas**

National Business Institute (NBI) Webinar

October 2019

### **Applying the Rules of Evidence: What Every Attorney Needs to Know - Authentication of Social Media and Email Evidence**

National Business Institute (NBI), Gaithersburg, MD

October 2019

### **Applying the Rules of Evidence: What Every Attorney Needs to Know - Electronic Discovery Update**

National Business Institute (NBI), Gaithersburg, MD

October 2019

### **Maryland Employment Law – Workplace Privacy (HIPAA, GINA, etc.)**

National Business Institute (NBI), Linthicum Heights, MD

April 2019

### **Maryland Employment Law – Key Discovery and Evidence Issues in Employment Litigation**

National Business Institute (NBI), Linthicum Heights, MD

April 2019

### **Risks to Employers Over Job Performance and Termination Issues Involving the FMLA & ADA**

Federal Bar Association Webinar

January 2019

### **Performance and Termination Decisions Under the FMLA and ADA**

Strafford Webinar

October 2018

### **Mini Law School for HR Professionals – Other Employment Laws You Need to Know**

Gaithersburg, MD and Hagerstown, MD

June 2018

### **Mini Law School for HR Professionals – Alternative Dispute Resolution in the Employment Context**

Gaithersburg, MD and Hagerstown, MD

June 2018

## **Books & Book Chapters**

- *Unjust Dismissal*, Editor for Release Nos. 70-76, 2019-present
- Hiring Requirements: Maryland, *Practical Law Labor & Employment*, Thomson Reuters , January 2019
- Leave Laws: Maryland, *Practical Law Labor & Employment*, Thomson Reuters , September 2019
- Wage and Hour Laws: Maryland, *Practical Law Labor & Employment*, Thomson Reuters, July 2019