



David W. Garland

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When high-profile employers face allegations of wrongdoing and the specter of a public trial, David W. Garland's meticulous, fact-driven defenses persuade juries to deliver favorable verdicts for employers. David reduces the reputational and existential threats of significant employment claims for major companies and their leaders. He has earned a national reputation as a veteran trial attorney who easily connects with juries and skillfully manages the media attention his clients' cases attract.

David has prevailed in courtroom defenses against claims of sex harassment, employment discrimination, whistleblowing, retaliation, breach of contract, and more. He also represents employers seeking to prevent the misappropriation of confidential business information by former employees—and represents companies against claims that they have wrongfully poached employees.

With countless jury trials in more than 30 years of practice, David builds detailed litigation strategies that set new precedents and position clients well. His early career in government and politics, as an assistant to U.S. senators and a governor, laid the groundwork for David's aptitude with the sensitivities that workplace claims carry and the importance of public messaging. David represents well-known public and private employers, including multinational manufacturers, media corporations, and financial services companies, with national and global operations.

In addition, David leads the firm's National Employment, Labor & Workforce Management Steering Committee. He helped establish and build the firm's groundbreaking alliance with Deloitte Legal, which provides global workforce solutions. David extends his international perspective—and clients' resources—as co-chair of the International Labor and Employment Law Committee of the American Bar Association's section of Labor and Employment Law.

Experience

- Won a significant appellate victory for a global media organization, in which a former employee alleged that the organization had violated the Americans with Disabilities Act by not providing a reasonable accommodation for his migraine headaches. David and his team argued that one's claimed inability to perform a single job does not rise to the level of disability, and the U.S. Court of Appeals for the Second Circuit adopted their argument in a precedent-setting opinion.
- Took over a case, on the eve of trial, for a global manufacturer accused of Title VII race discrimination and retaliation. David and his team swiftly put the case together, unearthed information that prior counsel had failed to uncover, and persuasively argued the client's position at trial. The jury, after deliberating for a mere 35 minutes, returned a verdict in our client's favor.
- Represented a client in a case of first impression brought against it by the Equal Employment Opportunity Commission (EEOC), which claimed that our client had entered into an oral settlement agreement during the conciliation process. The Fifth Circuit affirmed the dismissal of the EEOC's complaint.
- Convinced the New Jersey Supreme Court that an employer's leave policy was not discriminatory, despite a pregnant employee's claim that the policy disparately impacted females.
- Defended the chief executive officer of a television news network against claims of sex harassment in one of the most widely followed cases of the #MeToo movement.
- Won a three-week jury trial for a large hotel and entertainment company, in which the former employee had alleged a hostile work environment based on age.
- Defended a global financial services company in a case in which the Supreme Court of New York, Appellate Division, held that a former employee's disability discrimination claim should have been dismissed on the employer's summary judgment motion.
- Quashed a \$7 million whistleblower claim filed against a national insurance company by the president of the company's subsidiary. David succeeded in transferring the case from a court to arbitration, and the arbitrator ruled in favor of the insurance company.
- Convinced a court not to enjoin a manufacturing company's security policy meant to protect the company's precious metals. The policy allowed the company to conduct searches requiring the removal of clothing, as warranted by the circumstances. Three female employees sued to block the policy. After David argued that the policy was reasonable, the court upheld it.

Education

- The George Washington University Law School (J.D., 1985)
- College of William and Mary (B.A., 1980)

Court Admissions

- Supreme Court of the United States

- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Fifth Circuit
- U.S. District Court, District of New Jersey
- U.S. District Court, Eastern District of New York
- U.S. District Court, Southern District of New York

Bar Admissions

- District of Columbia
- New Jersey
- New York

Practice Areas

- Employment Litigation
- Foreign Multinational Counseling and Litigation
- Trade Secrets & Employee Mobility
- Wage and Hour
- Whistleblowing and Compliance

Industries

- Artificial Intelligence
- Financial Services
- Health Care and Life Sciences Industry
- Retail
- Technology, Media & Telecommunications

Memberships

- Academy of New Jersey Management Attorneys
- American Bar Association, Section of Labor and Employment Law - Co-Chair, International Labor and Employment Law Committee
- American Employment Law Council
- The College of Labor and Employment Lawyers, Fellow
- Cornell Institute for Hospitality Labor and Employment Relations Advisory Board
- National Finance Industry Employment Law Committee

- New Jersey State Bar Association, Labor and Employment Section
- New York State Bar Association, Labor and Employment Law Section
- Yeshiva University General Counsel's Council

Recognition

- *The Best Lawyers in America*, Employment Law—Management and Labor Law—Management (2006 to 2021)
- *Chambers USA: The World's Leading Lawyers for Business*, Leader in New Jersey Labor & Employment (2010 to 2020)
- The College of Labor and Employment Lawyers, Fellow (2013 to present)
- *The Legal 500 United States*, Labor and Employment Disputes (Including Collective Actions): Defense (2013, 2014, 2016 to 2020); Workplace and Employment Counseling (2019 to 2020)
- *New Jersey Super Lawyers*, Employment & Labor, Employer, Employment Litigation: Defense (2005 to 2020)
- *New York Metro Super Lawyers*, Employment Litigation: Defense (2017 to 2020)
- *Who's Who Legal, Thought Leaders – Labour & Employment*, New Jersey (2020); *The International Who's Who of Management Labour & Employment Lawyers*, New Jersey (2014 to 2017, 2019)