



Ellen M. Martin

Retired Partner

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Ellen Martin, twice named one of the Top 50 women attorneys in the NY Metro Area, was a member of the Firm's employer-focused employment law practice group. Ms. Martin litigated individual and class cases involving discrimination, sexual harassment, wage and hour laws, covenants not to compete and trade secrets, ERISA and common law tort and contract issues. She also conducted corporate investigations concerning allegations of harassment and other workplace improprieties, advised employers implementing reductions in force, and counseled employers on minimizing risks involved in individual employment decisions and on compliance with the full range of employment laws. Ms. Martin's clients included companies in the consumer product, television, and pharmaceutical and medical device and equipment industries, law firms and a number of not-for-profit organizations.

Prior to joining Patterson Belknap, Ms. Martin served as Law Clerk to the late Hon. Robert J. Ward, U.S. District Judge for the Southern District of New York.

Representative Matters

Employment Discrimination

Won case on merits and created favorable law for employers in Second Circuit's seminal case distinguishing between actionable sex stereotyping discrimination and non-actionable sexual orientation discrimination under federal law.

Defeated class certification in race discrimination action alleging failure to promote.

Obtained highly favorable pre-certification settlement of purported class action by large number of named plaintiffs claiming failure to hire and promote based on race.

Obtained plaintiff employee's immediate voluntary dismissal of federal age discrimination suit after assertion of counterclaims for breach of fiduciary duty.

Noncompete Agreements and Trade Secrets

Obtained preliminary injunction and consent permanent injunction against former employee for breach of noncompete agreement and then substantial settlement of second novel action to recover attorneys' fees incurred in prosecuting the noncompete action against employee.

Obtained preliminary injunction after five-day evidentiary hearing in first-litigated of series of actions alleging breach of noncompete agreements arising from employee raiding, leading to numerous other consent injunctions.

Employee Benefits

Won dismissal motion and affirmance by both federal and state appellate courts of putative nationwide ERISA and contract class actions alleging failure to pay severance pay.

Fair Labor Standards Act

Defense of companion Fair Labor Standards Act wage and hour collective actions alleging failure to pay overtime.

Investigations

Have conducted many sensitive investigations concerning allegations of sexual harassment, discrimination and other workplace improprieties, often involving allegations of misconduct by high level executives.

Reductions in Force

Extensive experience providing advice on structuring and avoidance of litigation risks attendant to reductions in force, including with respect to potential disparate treatment and disparate impact claims.

Americans with Disabilities Act/Family and Medical Leave Act

Extensive experience providing advice concerning difficult compliance issues under both the Americans with Disabilities Act and the Family and Medical Leave Act.

Other

Extensive experience in counseling employers through high risk employee terminations and in counseling clients concerning noncompete clauses.

Admissions

- U.S. Court of Appeals, Second Circuit; Third Circuit
- U.S. District Court, Southern, Eastern and Western Districts of New York
- New York

Professional Activities

Frequent speaker at national and regional employment law programs on topics such as litigation strategy for the defendant, sexual harassment investigations, minimizing risks of reductions in force, winning summary judgment, evolving law under the Americans with Disabilities Act; Member, New York Management Attorneys' Conference; Member, American Bar Association (Section on Labor and Employment Law, Equal Employment Opportunity Committee); Named in *Super Lawyers* in the area of Employment Litigation: Defense; Named to the "Top 50 Female Lawyers" list

Education

- Fordham University School of Law (J.D., *magna cum laude*, 1977)
 - Valedictorian
 - *Fordham Law Review*
- Yale University (M.A.)
- Vassar College (B.A., *magna cum laude*)