

David Fisher

Partner

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Areas of Focus

Labor + Employment | Employment Counseling and Training | Non-Competes, other Restrictive Covenants, Trade Secrets and Raiding | Internal Investigations | Employment Litigation, Arbitration and Mediation | Wage and Hour Law Compliance and Disputes

“Employers aren’t just looking for esoteric legal analysis. As their legal advisor and partner, I use my experience and knowledge to explain their options and craft effective business-driven solutions to their complex legal issues.”

Overview

David Fisher’s practical, forward-thinking counsel helps employers ensure their legal concerns don’t distract from their larger business goals. He advises agencies and companies of all sizes through every phase of the employment life cycle, focusing on state-by-state compliance, restrictive covenants, transactional due diligence, leave and accommodation policies, and compensation and benefits packages.

Whether he’s providing proactive advice on day-to-day employment and employee concerns or responding to a claim, David outlines actionable steps employers can use to resolve the matter quickly. With his counsel and negotiation skills, clients often preempt the threat of litigation and reputational damage altogether. When litigation is necessary, David is involved in all aspects of a dispute, taking a lead role at trial to position clients for positive results.

Clients rely on David’s knowledge of legal requirements in jurisdictions throughout the United States when expanding their footprint, whether through acquisition or due a shift to remote work. He helps clients negotiate competitive compensation and benefits packages that align with organizational goals. David’s advice supports legally compliant responses to employee requests, concerns or complaints involving family and medical leave, disability, and remote work accommodations.

David has gained particularly deep knowledge of restrictive covenant laws and practices across the United States. He draws on that experience to help employers spot weaknesses in their contracts. When called on to enforce or defend against an enforcement action, his ability to see around corners and anticipate an adversary’s next move helps clients gain the upper hand.

Representative Experience

- Represented a former executive of a global modeling agency against allegations of post-employment restrictions and conspiracy. Secured award of legal fees from a former employer in a state court lawsuit and favorable outcome in a subsequent arbitration for failure to pay wages.
- Counseled a media execution and asset trading firm and its newly hired senior executive regarding litigation by a former employer. Secured favorable settlement terms including dismissal of the lawsuit, enabling the executive to begin her job on the scheduled start date.
- Advised a global equity management firm on claims for failure to pay millions in incentive compensation. Negotiated settlement terms significantly below the potential value before any public lawsuit or other legal action was initiated.
- Advised a global marketing and communications holding company with respect to employment-related matters in connection with its acquisition of a strategy consulting firm.
- Advising a public alternative asset manager with over \$70 billion in assets under management with respect to their day-to-day employment needs, including employment, restrictive covenants, arbitration and separation agreements, as well as the employment issues arising from their M&A activities.
- Brought claims against the former employee of a luxury design and home staging company, and her new corporate entity for violation of her post-employment restrictive covenants and breach of fiduciary duty. Negotiated a beneficial settlement agreement, after filing suit against the former employee and new employer seeking monetary and injunctive relief.

Insights + Events

Press Mention

CNBC | One of Wall Street's Favorite Ways To Control Workers Is Under Attack
February 8, 2024

Alert

California Pushes the Boundaries of Its Ability To Limit Employer Use of Restrictive Covenants Agreements
December 20, 2023

Checklist

Preparing for 2024: Top 12 Ways to Protect Your Firm
October 16, 2023

Event

D+G Hosted Event | Protecting Your Business: How to Implement and Enforce Post-employment Obligations in a Hostile Regulatory World
October 4, 2023

Alert

The FTC's Sweeping Proposal to Ban Non-Competes
January 26, 2023

Checklist

Preparing for 2023: Top Ways to Protect Your Firm
November 30, 2022

Event

PR Council | Success in '23 Webinar Series: Protecting Your Firm from Legal Risks
November 29, 2022

Alert

Colorado Limits Employer Use of Restrictive Covenants
July 21, 2022

Alert

Illinois Takes Steps to Limit Employer Use of Restrictive Covenants
December 15, 2021

Publication

Ad Age | How Businesses Can Manage Mandatory Vaccination Policies
September 13, 2021

Publication

The Agency 100 | Best Practice to Avoid Violations of Federal and State Overtime Laws
August 25, 2021

Alert

New Caselaw Sheds Light on Enforceability of No-Hire Agreements Between Companies
June 28, 2021

Alert

Keeping the Faith...less Servant Doctrine Alive
May 3, 2021

Building Connections: Diversity, Equity and Inclusion, Event, New Workforce Models Come With New Risks

Davis+Gilbert Counsel 2U® Labor + Employment Webinar | Remote Employees, COVID Vaccines and Diversity, Equity & Inclusion: Recent Legal Developments and Best Practices
February 3, 2021

Publication

The Agency 100 | Keeping Your Employees Safe – The COVID-19 Vaccine
January 19, 2021

Alert

Protective Covenant Considerations in the COVID-19 Era
May 20, 2020

Event

Davis+Gilbert Counsel 2U® Labor + Employment Seminar | Non-Competes, Non-Solicitation Restrictions and Confidentiality Agreements: Recent Legal Developments and Best Practices
February 20, 2020

Event

Davis+Gilbert Labor + Employment Breakfast Seminar | Back To Basics: Overtime Classification Requirements and Their Application to Remote Employees
March 26, 2019

Alert

California Employee Non-Solicitation Provisions Face Unpredictability
March 14, 2019

Alert

New Massachusetts Law Specifies Requirements for Noncompetition Agreements
September 26, 2018

Credentials

Education

Cornell Law School (J.D., 2006)
Cornell University (B.S., 2003)

Distinctions

- *The Legal 500 United States® 2016-2019*, Labor and Employment: Workplace and Employment Counseling

Bar Admissions

New York

Court Admissions

U.S. District Court Southern District of New York
U.S. Court of Appeals Second Circuit

Associations

Member, Davis+Gilbert Corporate Social Responsibility Committee

Member, Davis+Gilbert Wellness Committee

Member, New York State Bar Association