

Howard J. Rubin

Partner

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Areas of Focus

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

"In every instance, the parties in a dispute each want to accomplish something. My job is to determine what that is and then find a solution that gets the parties where they want to be."

Overview

Howard Rubin, a partner in both the Litigation + Dispute Resolution and Labor + Employment Practice Groups, advises employers and employees on workplace issues, and resolves high-stakes breach of contract and other business disputes. He has litigated numerous employment cases involving discrimination and restrictive covenants, as well as First Amendment, defamation, and trademark and copyright infringement cases. His clients include leading marketing communications and financial services companies, and businesses in a wide variety of other industries.

In the labor and employment realm, Howard counsels employers on workplace issues, represents them in litigation, and negotiates employment agreements and exit packages for senior executives. His litigation experience includes representing clients in state and federal court single-plaintiff cases, multiparty disputes and class actions, and crafting amicus briefs that give clients a voice in matters before the Supreme Court of the United States. He has represented a global investment bank in a multibillion-dollar antitrust bid-rigging class action case, successfully defended a well-known advertising agency sued in a class action for sex discrimination, and obtained victories in cases that are the subject of three books. He has also achieved favorable results through FINRA and AAA arbitrations.

Whether at trial, on appeal or at the negotiating table, Howard gets to the heart of the issues, determines the key drivers and evaluates the risks. Then he offers practical solutions based on the facts, circumstances and the parties' ultimate goals, often avoiding the need for litigation. Pragmatic and proactive, he strategizes with his clients, identifies risks and limits their liability exposure, whenever possible. In each instance, Howard focuses on problem solving, using litigation as a tool to resolve disputes, not as an end in itself.

Regarded as a leader in his field, Howard brings deep insight into the evolution of many of the most significant laws and regulations impacting businesses, from sexual harassment and discrimination laws to the Civil Rights statutes and their application. His extensive knowledge and experience in litigating many complex and precedent-setting cases prove invaluable when counseling clients, and in determining whether and how a case should be tried.

Before joining the firm, Howard taught employment law and served as co-director of Columbia Law School's Employment Rights Project from 1974 through 1978. He is the co-author of three treatises on employment discrimination and counseling.

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.
- Represented a major advertising agency, in an arbitration against SAG-AFTRA, the union representing on-camera advertising talent nationwide. Prevailed in the arbitration, not only securing substantial savings for our client by avoiding paying residuals to on-screen drivers, but also providing our client and other signatory agencies with more certainty when budgeting for drivers and planning shoots by establishing guideposts for future commercials featuring driving.
- Represented a global investment bank in a multibillion-dollar nationwide antitrust class action and multidistrict litigation brought by municipalities that issued tax-exempt bonds alleging industry-wide bid-rigging in the procurement of municipal bond investment vehicles. Facing the leading class action plaintiffs' law firms in the country, we obtained a favorable settlement for our client.
- Represented multiple international associations as amicus curiae before the United States Supreme Court. This First Amendment commercial speech case, concerning a corporation's right to speak freely on matters of public concern, was one of the most watched and anticipated free speech cases in the last 20 years.
- Represented a major international bank in FINRA arbitration with two senior executives who were fired for writing a complaint letter to the bank's Chairman. Although the executives' contracts promised multimillion bonuses if they were fired without cause, we convinced the panel that the letter constituted insubordination and that they should not receive bonuses.
- Advised an international bank on its decision to fire an executive for threatening his boss. The executive sued, claiming his mental state was a disability that caused him to threaten his boss. The case was dismissed on summary judgment after substantial discovery and depositions and the Second Circuit affirmed, despite the EEOC's appearance as amicus on the plaintiff's side.
- Represented a major advertising agency that was sued for sex and age discrimination and sexual harassment and defamation. Although the plaintiff deposed her psychiatrist about the source of the mental distress she was claiming, the case was tried before a jury and she was awarded nothing despite her contract providing over \$500,000 in severance.
- Represent a national banking association in negligence and contract cases against a foreign bank, a retailer and a real estate owner involving property damage sustained by our client. Involved significant insurance and subrogation issues, several third parties and substantial motion practice in and out of court. Currently working to collect millions of dollars in judgment from several defendants after winning dismissal of one of the cases on the merits; the remaining cases are pending.

Insights + Events

Alert

Be Smarter Than Harvard: Comply with Your Insurance Policy's Reporting Requirements
January 24, 2023

Credentials

Education

Columbia University (J.D., 1972)

- Harlan Fiske Stone Scholar

Colgate University (A.B., with honors in Economics, 1969)

Distinctions

- *The Best Lawyers in America*® 2013-2024, Employment Law – Management
- *The Best Lawyers in America*® 2017-2024, Litigation – Labor and Employment
- *Chambers USA: America's Leading Lawyers for Business*® 2012-2017, New York Labor & Employment
- *The Legal 500 United States*® 2013-2020, Labor and Employment: Workplace and Employment Counseling
- *New York Metro Super Lawyers*® 2007-2023, Employment & Labor

Bar Admissions

New York

Court Admissions

U.S. District Court Southern District of New York

U.S. District Court Eastern District of New York

U.S. Court of Appeals Second Circuit

U.S. Supreme Court

Associations

Member, New York City Association of Bar
— Former Member, Civil Rights Committee

Member, Board of Trustees, Schechter Manhattan

Officer, Plaza Jewish Community Chapel

Past Vice President, Park Avenue Synagogue

Past President, Town & Village Synagogue

Past Chair, Board of Prozdor and The Jewish Theological Seminary