



→ Adam R. Rosenthal

Partner

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Adam Rosenthal is a partner in the Labor and Employment Practice Group in the firm's San Diego (Del Mar) and Los Angeles offices. Adam is widely regarded as one of the go-to defense-side employment litigators in California, representing employers in class and representative actions, single plaintiff lawsuits, and trade secrets disputes.

Areas of Practice

Adam's national practice focuses on all areas of employment law, with an emphasis on high-stakes employment litigation. He represents employers in a variety of employment disputes in federal and state courts across the US and arbitration forums. Adam is an AV Preeminent® rated attorney and has been recognized for his exemplary client services as a BTI Client Service All-Star®. Adam has authored two employment law books, is the co-editor of a bi-monthly employment law journal, and lectures throughout the country to attorneys, human resources professionals, and managers.

Adam and his team specialize in the following areas:

Litigation and Trial Work

Adam is an experienced and accomplished trial attorney. He has successfully tried multiple jury trials, bench trials, and arbitrations. Over his career as a litigator, Adam has represented employers of all sizes, in the full spectrum of litigation from "bet the company" lawsuits to more routine employment disputes. He is regularly asked by clients to take over existing cases before trial from other law firms, where Adam and his team offer fresh perspectives in order to achieve the client's litigation objectives.

Adam has considerable experience representing clients in complicated wage and hour class actions and California Private Attorney General Act lawsuits, involving a host of wage and hour claims, including minimum and overtime violations, meal and rest periods, off-the-clock work, reimbursements, independent contractor and exemption misclassification, and unfair competition. He has also represented clients nationwide in class actions involving claims under the FLSA, national origin and gender discrimination, and the Fair Credit Reporting Act. Adam and his team have successfully defeated multiple motions for class certification and have negotiated over 80 favorable class action settlements, saving his clients hundreds of millions of dollars.

Adam has represented employers in thousands of single plaintiff lawsuits, involving virtually every area of employment law, including claims of discrimination, harassment, retaliation, whistleblower, defamation, and wage and hour. Adam's considerable courtroom experience allows him to efficiently litigate cases, finding opportunities to dispose of many of his cases early in the litigation without clients incurring unnecessary

attorneys' fees. And when clients prefer a more aggressive strategy, or plaintiff or opposing counsel make early resolution difficult, Adam and his team are skilled trial lawyers who relish the opportunity to take cases to trial.

Advice and Counseling

In addition to representing clients in litigation, Adam has considerable experience counseling US and multi-national clients on employment law compliance. Adam advises in-house counsel, senior executives, and human resources professionals on complicated personnel issues, employment policies, and trade secrets/misappropriation concerns. He also serves as outside general employment counsel for several US and foreign companies—where he advises his clients' executives on an array of employment law issues. Adam is passionate about creating collaborative relationships with his clients, helping them achieve compliant, innovative, and cost-effective HR solutions.

Government Investigations and Adversarial Proceedings

Adam is regularly retained by clients to represent them before federal and state agencies, including the Department of Justice, the Department of Labor, the Equal Opportunity Employment Commission, the California Civil Rights Department, and the California Labor Commissioner. He has achieved favorable results helping clients navigate government investigations and adversarial proceedings.

Mergers and Acquisitions

Adam works closely with his corporate and M&A partners at Sheppard Mullin in advising clients on labor and employment issues related to deal work. Adam and his team advise clients on potential employment law issues associated with a merger or acquisition of another company as well as the onboarding of new employees.

Speaking and Writing

Adam frequently lectures on employment law issues to in-house legal departments, frontline managers, trade associations, and business and HR groups. Adam is one of only a handful of practicing employment attorneys invited to join the prestigious SHRM® Speakers Bureau. He is a regular speaker at SHRM's annual conference, speaking to HR professionals on a variety of cutting-edge employment law and HR issues.

Adam is the author of *Managing Employees Without Fear: How to Follow the Law, Build a Positive Work Culture, and Avoid Getting Sued* (Society for Human Resource Management; ISBN: 1586446649), and the co-author of the *Employer's Guide to COVID-19 and Emerging Workplace Issues* book (Castle Publications, LLC; ISBN: 978-1-940747-61-3). Adam is also a Co-Editor of the California Labor and Employment ALERT, a bimonthly newsletter that provides HR professionals and attorneys in-depth analysis of recent case law, statutes, and regulations impacting employers in California and across the United States.

Education and Other Activities

While in law school, Adam served as the only student member of the University of California Board of Regents, where he championed student rights, affordability, and environmental issues on behalf of more than 250,000 University of California students. Prior to law school, he taught middle school History and English in Oakland, California as part of the Teach For America program. Adam is the immediate past Board Chair for the San Diego Region of the ADL—a leading civil rights organization. Adam is also on the Board of Directors of the Jewish Family Service of San Diego.

Honors

Client Service All-Star, *BTI Consulting*, 2020

San Diego Rising Star, *Super Lawyers*, 2017-2019

Legal 500, Labor and Employment, 2017

AV Preeminent® Rated, Martindale-Hubbell

Articles

- New California Law Makes It Easier for Employees to Establish Retaliation Claims
Society for Human Resource Management, 11.27.2023
- Putting Your Litigation Story Into Action
Corporate Counsel, 12.01.2017
- How to Prepare Your Company's Litigation Story
Corporate Counsel, 11.30.2017
- How to Prepare: The Nuts and Bolts of Creating a Litigation Story
Corporate Counsel, 11.29.2017
- What Is a Litigation Story? Advice for GCs Preparing Their Company's Litigation Strategy
Corporate Counsel, 11.28.2017
- Talking Implicit Bias at Work
Daily Journal, 07.29.2016
- 3 Ways To Approach Class Waivers In Employment Agreements
Law360, 06.16.2016

Labor and Employment Law Blog Posts

- "New California Law Makes It Easier for Employees to Establish Retaliation Claims for Alleged Labor Code Violations," November 20, 2023
- "Overview of Recent Updates for Employers in the Commercial Trucking Industry," May 28, 2020
- "The Cost and Burden of Discovery for California Employers Will Likely Increase in 2020," January 27, 2020

Books

Managing Employees Without Fear: How to Follow the Law, Build a Positive Work Culture, and Avoid Getting Sued
05.18.2021

Employer's Guide To COVID-19 And Emerging Workplace Issues: Year 2
02.2021

Employer's Guide To COVID-19 And Emerging Workplace Issues (Over 690 pages)
04.21.2020

Media Mentions

Ensure Discipline Is Well-Documented
Society for Human Resource Management, 06.14.2022

Events

SHRM Annual Conference & Expo 2024
Chicago, IL, June 23-26, 2024

SHRM Annual Conference & Expo 2023
Las Vegas, NV, June 11-14, 2023

SHRM Annual Conference & Expo 2022
New Orleans, LA, June 12-15, 2022

Managing Employee Risk in Your Hybrid Workplace
Webinar, 03.17.2022

SHRM Annual Conference & Expo 2021
How To Prevent Your Employees from Suing Your Company: A Candid Conversation About What Leads Disgruntled Employees to Become Plaintiffs and What HR Can Do to Prevent this from Happening
Las Vegas, Nevada, 09.11.2021

Walking the Tightrope: How to Build a More Diverse and Inclusive Workforce While Remaining Legally Compliant
08.18.2021

Returning to the Office: *The Legal Requirements and Practical Considerations Employers Must Consider in the "New Normal"*
Webinar, 06.30.2021

Navigating COVID-19 Employment Issues In & Out Of The Office
Webinar, 11.19.2020

Litigation Avoidance and COVID-19: What Hotel Owners and Operators Can Do Now to Avoid Employment and Premises Liability Lawsuits
Webinar, 06.23.2020

Health and Safety Legal Considerations for COVID-19
Webinar, 05.26.2020

COVID-19 and the Law: What Companies Need to Know About The \$2.2 Trillion Stimulus Package
Webinar, 04.03.2020

Coronavirus & The Workplace: What Every Employer Needs to Know
Webinar, 03.23.2020

Labor & Employment Law Update & Happy Hour - San Diego
Fall 2019
Hyatt Regency La Jolla, 10.17.2019

Third Thursday Emerging Company Webinar Series
Ten Employment Law Mistakes Every Startup Should Avoid
Via GlobalMeet, 02.21.2019

Labor & Employment Law Update & Happy Hour - San Diego
Fall 2017 Seminar Series
11.02.2017

Breakfast With Your Labor Lawyer - San Diego
Spring 2017 Seminar Series
04.26.2017

Memberships

Member Emeritus, Board of Regents, University of California
Member, Board of Directors, Anti-Defamation League (ADL), San Diego Region
Former Member, Executive Committee, Board of Directors, Hillel of San Diego

Podcasts & Webinars

Nota Bene Podcast Episode 128: What Managers Need to Know About the Changing Employment Landscape
with Adam Rosenthal
06.02.2021

Ten Employment Law Mistakes Every Startup Should Avoid
02.21.2019

Practices

Discrimination, Harassment, and Retaliation
Labor and Employment
Labor and Employment Counseling
Labor and Employment Litigation
Unfair Competition and Trade Secrets
Wage and Hour Class Actions
Wrongful Termination

Industries

Financial Services

Healthcare

Nonprofit

Retail, Fashion & Beauty

Transportation

Trucking and Logistics

Education

J.D., University of California, Davis, 2006

B.A., University of California, Los Angeles, 2001, *cum laude*

Admissions

California

U.S. Court of Appeals, for the Ninth Circuit

Additional Office

Los Angeles