



Carol M. Goodman

*Partner
Co-Chair, Litigation Department; Chair, Employment
Practice*

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SERVICES

- Employment, Employment Counseling & Risk Management, Employment Litigation, Executive Compensation, Benefits & ERISA, Litigation, Real Estate Litigation & Dispute Resolution, Business Litigation, Securities Litigation and Enforcement, Sensitivity Training: Sexual Harassment, Discrimination, Workplace Civility and Gender Sensitivity

EDUCATION

- Fordham University School of Law (J.D.)
- Emory University

ADMISSIONS

- New York
- U.S. District Court, Southern District, New York
- U.S. District Court, Eastern District, New York
- New York Appellate Division, First Department

Carol Goodman is a partner of the firm, and the co-chair of the firm's Litigation Department.

Carol focuses on complex commercial litigation and employment law for public and private companies, domestic and international financial institutions and real estate companies. Her current client relationships include Allianz Real Estate of America, Bank Hapoalim, 21stCentury Fox, Israel Aerospace Industries, Neue Galerie New York and Olshan Properties.

Carol has consistently been rated by Thomson Reuters' *Super Lawyers* (2013-2018), and by Martindale-Hubbell, which rates her AV preeminent – their highest level of professional excellence.

Complex Commercial Litigation

Carol advises public and private companies, including domestic and international banks, financial institutions and broker-dealers in all aspects of complex commercial disputes. Her experience includes employment and securities claims involving trade secrets, compensation, bonuses and commissions, stock options, restrictive covenants and employee raiding cases. Carol's representation of financial institutions and banks goes beyond commercial litigation and includes workouts and internal investigations. Carol also advises owners, developers and operators of large commercial real estate portfolios in disputes requiring deft but delicate handling – including divisive partnership or membership disputes.

Employment Counseling and Litigation

Carol also represents public and private employers in all aspects of employment law, including compliance, internal investigations and

crisis management. She also represents employers and senior executives in creating executive compensation arrangements including employment contracts, commission agreements and bonus programs. On the preventative side, she helps clients manage risk by advising on employee classification issues, hirings, firings and workforce restructurings, severance agreements, exit incentive plans, FLSA, and matters involving FMLA and disability leaves.

When litigation is necessary, Carol advises clients in the full range of employment concerns, including allegations of wrongful discharge, sexual harassment and discrimination. She regularly litigates before federal and state courts, arbitration venues, the U.S. Equal Employment Opportunity Commission, the New York State Division of Human Rights, the New York City Commission on Human Rights, Joint Commission on Public Ethics (JCOP) and the Financial Industry Regulatory Authority (FINRA). Carol's practice extends to the employment aspect of mergers and acquisitions, consolidations and corporate restructurings, where she advises during the due diligence and closing phases on issues such as WARN.

Anti-Harassment Training and Internal Investigations

Carol's anti-harassment training is designed to stop harassment, discrimination and retaliation in the workplace. By understanding how her clients' businesses work, and issues that have arisen in the past, she is able to tailor her training to their particular needs. Carol's training programs educate employees about illegal conduct (i.e., discrimination) and work place issues (i.e., a manager creating a stressful environment); where to report illegal conduct and to whom; and what to expect once a complaint is reported. Carol's management training includes issue spotting and effective ways to handle illegal conduct in the workplace. Carol also educates HR professionals on recent developments in the law, effective investigations and appropriate corrective action.

With decades of experience litigating employment matters, Carol adds an element of reality to her in-person training sessions by describing real life examples that often generate questions and discussion. Carol's training programs comply with applicable state laws, including recent laws and regulations enacted by New York State and New York City.

Clients also call on Carol to play a variety of roles in internal investigations, ranging from guidance and advice, to conducting an investigation and providing a final report.

Publications

October 2018

Governor Cuomo Releases Final Model Sexual Harassment Training Program and Policy

August 2018

New York Employment Law Update: Governor Cuomo Releases Model Sexual Harassment Training Program and Policy

August 2018

New York Employment Law Update: Key Provisions of New York's Sexual Harassment Laws to Take Effect in Fall 2018

July 2018

New York Employment Law Update: New York City Employees Now Permitted to Make Temporary Changes to Work Schedules

June 2018

New York City Enacts a Suite of Regulations to Combat Sexual Harassment in the Workplace; Mandatory Class Action Waivers in Arbitration Agreements are Enforceable

April 2018

New York Employment Law Update: New York Enacts Sweeping Regulations to Combat Sexual Harassment in the Workplace

February 14, 2018

Small Business Owners Put the "Human" Back in Human Resources
Latin Business Today

December 2017

New York's Paid Family Leave Law Takes Effect January 1, 2018

October 2017

New York Employment Law Update: New York City's New Salary History Prohibition for Employers Takes Effect Tomorrow; Minimum Wages Set to Increase

June 2017

New York City's New Rules Governing Freelance Agreements; Preparing for New York State's Paid Family Leave Program

April 2017

New York City to Ban Employers from Inquiring about a Job Applicant's Salary History

January 2017

Employers Must Begin Using New I-9 Form Effective Immediately

January 2017

New York Employment Law Update For 2017: Minimum Wage Increases; Increases in Exempt Employees Salary Threshold; Preparing for the Paid Family Leave Benefits Law

November 2016

Nationwide Injunction Blocks Department of Labor Overtime Regulations from Taking Effect December 1, 2016

October 2016

Election Day Reminder for New York Employers: Your Employees May Be Entitled to Time off to Vote

May 2016

DOL Releases Final Rule Amending Overtime Regulations

January 2016

New York City's Affordable Transit Act Went into Effect January 1, 2016; New York City Council Passes Bill Banning Discrimination Based on Caregiver Status; New York Increases Minimum Wage—no Change to New Jersey's Minimum Wage for 2016

June 2015

President Obama Unveils Plan to Expand Overtime Pay; U.S. Supreme Court Holds Failure to Provide Religious Accommodation Could be Intentional Discrimination Even Where the Employer Had No Actual Knowledge of the Need for Accommodation

May 2015

New York City Mayor Signs Bill Banning Most Employers From Using Credit Checks

February 2015

Governor Cuomo Proposes an Increase to Minimum Wage; New Jersey Supreme Court Confirms Applicable Test for Determining Independent Contractor Status

January 2015

Employment Developments and Considerations at the Start of 2015

December 22, 2014

NLRB Ruling Prohibits Employers From Banning Non-Work Use of Company Provided Email

December 2014

Employment Reminders for 2015

November 2014

Statewide Sick Leave May Be Coming Soon to New Jersey; New Jersey Minimum Wage Increase to Take Effect January 1, 2015; New Jersey Enacts "Ban the Box" Legislation

October 2014

New York City Increases Hourly Wage for Workers at City-Subsidized Economic Benefit Projects; Expands Definition Of Covered Employers

August 2014

Protecting Interns from Discrimination and Harassment in the Workplace; Wage Theft Prevention Act Amended and Medical Marijuana Bill Passed

March 2014

Important Reminder for all New York City Employers: New York City's Paid Sick Time Law Goes into Effect April 1, 2014

January 2014

New York City and New Jersey Provide More Protections for Pregnant Employees

January 2014

Employment Compliance Reminders For 2014

May 2013

New York City Passes Law Requiring Paid Sick Leave

March 2013

New York City Enacts Unemployment Discrimination Ban

March 2013

New FMLA Forms and Poster Required by March 8, 2013

January 2013

New FCRA Forms Required Effective January 1, 2013

December 2012

The Patient Protection and Affordable Care Act's Impact on Employers

November 2012

Sandy Alert: Frequently Asked Questions

February 2012

Unpaid Internships May Subject Employers to Investigations, Fines and Potential Litigation

January 2011

New York's Wage Theft Prevention Act Imposes New Obligations and Increases Penalties for Employers

November 1, 2010

The Impact of Pending and Existing Employment Legislation on Employment Lawyers and Clients

The Impact of Recent Regulatory Developments in Employment Law, published by Aspatore Books

July 2010

Tighten Up Your Privacy Policy for Employee Emails and Texts: Supreme Court Case Holds Lessons for Employers

January 2010

Effective Immediately: COBRA Subsidy Extension

October 2009

NYS Statutory Changes Mandate Written Notice of Pay Rate, Establish Discrimination Fines & Make Domestic Violence Victims a Protected Class

August 2009

Avoiding Discrimination May Discriminate: A Warning for Employers

July 2009

In NJ Workplace, Employee Emails With Counsel Outweigh Employers' Computer Restrictions

March 2009

Broad Whistleblower Protections Included Under the American Recovery and Reinvestment Act of 2009 for Employees of Stimulus Fund Recipients

January 30, 2009

Ledbetter Fair Pay Act Becomes Law; Law Extends Period in Which Attorneys Can Allege Discriminatory Compensation

January 2009

The New York WARN Act: How Does it Affect Your Company?

December 2008

Are There Any Alternatives to Layoffs?

Representative Matters

Establishing and Implementing Anti-Harassment Training for Private and Public Companies

Works extensively with audit committees, boards of directors, legal departments, and HR professionals to create and implement policies and procedures, and conduct training programs designed to combat illegal harassment, discrimination and retaliation in the workplace.

Appellate Win for Largest Israeli Defense, Aerospace and Aviation Company

Secured the New York State Appellate Division, First Department's dismissal from a pending commercial litigation for lack of personal jurisdiction, finding that there was no personal jurisdiction solely on the basis of the corporate family's New York presence.

Represented Real Estate Owners in New York City Commission on Human Rights Housing Law Investigation

Represented various owners of residential properties in the successful conclusion of proceedings and investigations brought under the New York City Human Rights Law for accommodations and allegations of discrimination in housing.

Dismissal of Discrimination Claim

Dismissal of a complaint on behalf of the owner of a large residential community and its board of managers, where the New York State Division of Human Rights found no connection between the employer's actions and the complainant's age, disability, national origin, race/color or sex.

Dismissal of Discrimination Claims Upheld on Appeal

Successfully defended a luxury real estate brokerage firm in an action alleging discrimination based on sexual orientation and marital status in violation of New York State and City Human Rights Laws. Herrick secured the complete dismissal of the complaint in the trial court, and then successfully defended the ruling on plaintiffs' appeal to the Appellate Division, First Department which upheld the dismissal, finding the plaintiffs had no cognizable claims against our clients who had sought to facilitate, not prevent, plaintiffs' purchase of a cooperative apartment.

Restrictive Covenant Litigation

Represented a leading residential real estate broker in a high-profile restrictive covenant dispute between a star broker and the broker's former employer.

Employee Raiding Litigation

Represented a large broker-dealer in employee raiding litigation, brought by a competitor whose stock market valuation declined 24% following our client's hire of a team of its credit and derivatives brokers. Following oral argument, the New York Supreme Court denied the plaintiff's motions for a temporary restraining order and a preliminary injunction, which allowed the employees to work for our client.

Partnership Dispute

Negotiated a favorable settlement for a managing agent and its principals in a partnership dispute involving a real estate development venture in New York State. Prior to reaching the settlement, Herrick secured a number of advantageous rulings, including the pre-trial dismissal of three claims, which positioned our clients well in the negotiations that led to the partnership's sale of its leasehold interest in the property.

FINRA Employment Arbitration

Represented a broker-dealer in a complex employment arbitration brought by former employees seeking over \$10 million in damages. The 60-session FINRA arbitration resulted in a virtually complete defense verdict for the client, including for attorneys' fees. The award was confirmed in its entirety by the Southern District of New York.

Member Dispute - Mismanagement and Self-Dealing Action

Represented the majority owners of a New York City real estate portfolio in an action commenced by minority members, obtaining the dismissal of claims seeking to hold the members personally liable for looting, self-dealing and diversion of corporate assets.

Publicly Traded Company - Government Investigation

Represented a public company in the internal investigation of a senior officer who had engaged in bribery and self-dealing, resulting in significant monetary damages. Through civil litigation, and assistance from government authorities, Herrick was able to obtain full restitution for the company.

Government Leadership in the Village of Rye Brook

A resident of the Village of Rye Brook, NY and an active member of the community, Carol chaired the Village's Comprehensive Plan Advisory Committee, which provided guidance and direction on its first-ever master plan for development, zoning and capital

spending. In 2015, this plan was awarded the Westchester Municipal Planning Federation Commendation for outstanding contributions to planning in Westchester County. She is also a former Deputy Mayor and Trustee of the Village, and the former chair of Rye Brook's Ethics Committee.

Long-Distance Running

Outside of the office, Carol is a passionate long-distance runner who has completed numerous half and full marathons. She also frequently runs alongside her clients and friends in 200+ mile overnight team relay races.