



## Carol M. Goodman

*Partner*  
*Co-Chair, Litigation Department*

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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

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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, 21<sup>st</sup>Century 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.

## **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.