

Partner, New York

Labor and Employment



T: 212.735.2473
david.schwartz@skadden.com

Education

J.D., Cornell Law School, 1994
(*cum laude*)

B.A., University of Rochester, 1989
(*cum laude*)

Bar Admissions

New York
New Jersey
U.S. Supreme Court

Associations

Board Member, Legal Services NYC

David E. Schwartz serves as global head of the firm's Labor and Employment Law Group. He advises clients on a full spectrum of employment-related issues.

Mr. Schwartz regularly represents clients before state and federal administrative agencies and courts, as well as in arbitration proceedings. His litigation experience includes defense of retaliation, discrimination, wage/hour, breach of contract and fraud claims, including potential class actions. He also regularly represents clients in cases concerning the enforcement of restrictive covenants and breaches of fiduciary duties.

Mr. Schwartz often advises clients on non-litigation matters, as well as on a variety of ESG-related issues. In particular, he has worked with clients to:

- conduct internal investigations;
- implement non-harassment policies;
- create compensation programs;
- negotiate employment and separation agreements;
- negotiate collective bargaining agreements; and
- implement reduction-in-force plans.

Mr. Schwartz also advises clients in connection with business transactions, including restructurings. His work in this area involves, among other things, the development and implementation of strategies to retain key executives and professionals.

Mr. Schwartz has represented a wide array of clients, ranging from new ventures to multinational corporations including, among many others, BlackRock, Inc.; BTG Pactual; Christie's Inc.; Citigroup Inc.; Credit Suisse; C.V. Starr & Co.; DaimlerChrysler AG; Deloitte LLP; Dresdner Bank AG; Duff & Phelps Corp.; DuPont; Fortress Investment Group; Home Box Office, Inc.; Jackson National Life Insurance Company; Kinetic Concepts, Inc.; Mars, Incorporated; Practising Law Institute; Rite Aid Corporation; UGL Limited; Valeant Pharmaceuticals; Van Cleef & Arpels, Inc.; Veritas Capital; and Virgin Mobile USA.

Mr. Schwartz has been selected repeatedly for inclusion in *Chambers USA: America's Leading Lawyers for Business* and *Best Lawyers in America*. He has been named as an Employment Trailblazer by the *National Law Journal* and a Labor and Employment Star in *Benchmark Litigation*, and has consistently been listed among the nation's leading corporate employment attorneys by *Lawdragon* and *Human Resource Executive*. Mr. Schwartz also regularly writes columns on labor and employment issues for the *New York Law Journal*.

Selected Publications

“Employment Flash,” *Skadden, Arps, Slate, Meagher & Flom LLP*, Recurring publication

“Privacy & Cybersecurity Update,” *Skadden, Arps, Slate, Meagher & Flom LLP*, Recurring publication

“Anticipated Labor and Employment Changes Under a Biden Administration,” *New York Law Journal*, December 4, 2020

“DACA, Undocumented Workers, Race Discrimination: Supreme Court Review,” *New York Law Journal*, October 2, 2020

“Developing a Diverse Workforce,” *Skadden, Arps, Slate, Meagher & Flom LLP*, September 30, 2020

“Supreme Court Review: LGBTQ Rights, Ministerial Exemption, Contraception,” *New York Law Journal*, August 7, 2020

“Return to Work: Testing and Tracing?” *New York Law Journal*, June 5, 2020

“Considerations for Returning to Workplaces in the Wake of COVID-19,” *Skadden, Arps, Slate, Meagher & Flom LLP*, April 30, 2020

“Considerations for Businesses Thinking About Chapter 11 Bankruptcy,” *New York Law Journal*, April 3, 2020

“CARES Act Provides Much-Needed Stimulus for U.S. Businesses, Individuals,” *Skadden, Arps, Slate, Meagher & Flom LLP*, March 27, 2020

“Coronavirus/COVID-19 Update,” *Skadden, Arps, Slate, Meagher & Flom LLP*, March 18, 2020 and March 4, 2020

“Labor Law Implications of the United States-Mexico-Canada Agreement,” *New York Law Journal*, February 7, 2020

“Growing State Anti-Discrimination and Anti-Harassment Protections Create Patchwork of Regulations for Employers,” *Skadden’s 2020 Insights*, January 21, 2020

“NLRB Developments: Unilateral Action, Union Rejection and More,” *New York Law Journal*, December 6, 2019

“NLRB Developments: Micro Units, Independent Contractors and More,” *New York Law Journal*, October 4, 2019

“Supreme Court Review: An Arbitration Trilogy,” *New York Law Journal*, August 2, 2019

“EEOC in the Spotlight,” *New York Law Journal*, June 7, 2019

“Controversial Wage Data Collection and Reporting Requirements Reinstated, but No Clear Guidance Yet for Employers,” *Skadden, Arps, Slate, Meagher & Flom LLP*, April 23, 2019

“New Salary Thresholds On the Horizon,” *New York Law Journal*, April 5, 2019

“Social Media and Departing Employees,” *New York Law Journal*, February 1, 2019

“Responding to the Call for Equal Pay,” *Skadden’s 2019 Insights*, January 17, 2019

“United States” chapter, *Getting the Deal Through: Sports Law*, 2019

Selected Speaking Engagements

Speaker, “Reopening Your Business Post COVID-19: Emerging Legal, Compliance and Risk Issues,” SAI Global webinar, June 23, 2020

Speaker, “COVID-19: Employment and Cybersecurity Considerations,” Skadden webinar, March 17, 2020

Speaker, “Key Trends in Executive Compensation, Employment Law and Compensation Committee Practices,” Skadden webinar, February 5, 2019

Speaker, “Practical Approaches to Equal Pay Audits,” Skadden webinar, December 6, 2018

Speaker, “Equal Pay: Voluntary Disclosure, Activism and Litigation,” Skadden webinar, October 4, 2018

Speaker, “Key Trends in Executive Compensation, Employment Law and Compensation Committee Practices,” Skadden webinar, February 28, 2017