



Rosemary Alito

Lead Practice Area Leader - Labor, Employment, and Workplace Safety, Chair of Firmwide Pro Bono Committee

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OVERVIEW

Rosemary Alito is a partner and the lead practice area leader of the firm's global Labor, Employment, and Workplace Safety practice. She represents management in disputes involving employment law and employee benefit law issues. Rosemary defends employers in litigation, including class action litigation, relating to employment discrimination, wage and hour, wrongful termination, harassment, and employee benefit plan terminations. She also counsels on workplace policies and compliance.

Rosemary is an experienced litigator in trials and appeals in both state and federal courts. In 1999, the Trial Attorneys of New Jersey honored Rosemary with its Trial Bar Award for outstanding performance as a trial lawyer. She has served as lead counsel in the successful defense of class actions under ERISA and the LMRA involving multiple-employer welfare and pension trust funds, and trials of class actions challenging termination of retiree medical benefits. Her litigation experience in discrimination matters ranges from single-plaintiff cases to FLSA class actions and EEOC actions challenging company-wide and nation-wide policies.

Rosemary has written and spoken extensively on employment law issues. Her employment law treatise and her law review article on the 1991 Civil Rights Act have been cited with approval by state appellate courts, federal circuit courts of appeal and scholarly publications. Her recent presentations have included a Glass Ceiling panel with former EEOC Chair Naomi Earp, an EEOC New York Region technical advice program on retaliation. Prior lectures include the Third Circuit conference, the United States District Court Conference and the Judicial College.

Rosemary serves as Chairman of the Editorial Board of the weekly *New Jersey Law Journal*, the state's leading legal publication. She has been actively involved in attorney and judicial ethics, as chair of the Lawyers' Fund for Client Protection; Vice-Chair of the Professional Responsibility Rules Committee; and as a member of Supreme Court committees on judicial discipline, funding for assistance to lawyers with addiction problems and the status of women in the courts. Rosemary is a past President of the Association of the Federal Bar of New Jersey.

Rosemary has also been involved with issues of judicial administration, serving on the Lawyers' Advisory Committees to the United States Court of Appeals for the Third Circuit and the United States District Court. She

has chaired the merit selection committees for two Bankruptcy Court judges and chaired or served on the merit selection committees for several United States Magistrate-Judges.

Rosemary has been recognized by her peers through election to the College of Labor and Employment Lawyers, the American Bar Foundation, the American Law Institute, the International Academy of Trial Lawyers and the International Society of Barristers. She has been listed in *Best Lawyers in America*® in the areas of Employment Law (Management) and Litigation (Labor and Employment) since 1995, *Chambers USA* (Band One) and Super Lawyers' Top 100. Lawdragon has named her as one of the 500 Leading Lawyers in the country. Since 2008, *Human Resources Executive* has named her one of the 100 most powerful employment lawyers in the country, and in November 2023, Rosemary received a prestigious Lifetime Achievement Award from The American Lawyer.

ACHIEVEMENTS

- Recognized by *The American Lawyer* as a 2023 Lifetime Achievement Award Honoree
- Recognized by *Chambers USA* for Labor and Employment since 2002
- Listed in *The Best Lawyers in America*® for work in Employment Law - Management and Litigation - Labor and Employment in Newark, 2011-2024

SPEAKING ENGAGEMENTS

- "The Impact of the Supreme Court's Affirmative Action Ruling on NJ Businesses and DEI Programs," The New Jersey Banker Podcast, 22 August 2023

EDUCATION

- J.D., Rutgers School of Law at Newark, 1978 (*Rutgers Law Review*)
- B.A., Smith College, 1974

ADMISSIONS

- Bar of New Jersey
- United States Court of Appeals for the Third Circuit
- United States District Court for the District of New Jersey

THOUGHT LEADERSHIP POWERED BY HUB

- 2024, Global Employer Guide
- September 2023, September 2023 Accolades

- 31 May 2023, EEOC Issues Nonbinding Guidance on Permissible Employer Use of Artificial Intelligence to Avoid Adverse Impact Liability Under Title VII
- March 2022, Protecting Your Business: Non-Compete Updates and Retention Practices
- April 2021, April 2021 Accolades
- 8 April 2021, Are Your Workplace Policies Compliant with the NLRA?
- March 2021, What You Need to Know About 2021's Trends and Developments in Labor and Employment Law
- 11 November 2020, Congratulations to Our Diverse and Women Lawyers
- 2 June 2020, COVID-19: Products and Solutions for Employers Navigating Reopening
- 28 April 2020, COVID-19: America's Path Forward: Returning to Work
- March 2020, COVID-19: Concerns in the Workplace
- 23 January 2020, In the Weeds: Medical Marijuana Protections Continue to Expand in New Jersey
- May 2018, GC University - Session Two - Sexual Harassment and Social Media in the Workplace

OTHER PUBLICATIONS

- Rosemary is the author of the treatise, *New Jersey Employment Law*, first published in 1992 and updated annually. She is the author of numerous articles on employment law topics.
- "Employment Law for New Jersey Businesses," *New Jersey Law Journal Books*, 2005

NEWS & EVENTS

- 29 February 2024, K&L Gates Enhances Labor, Employment, and Workplace Safety Practice with Dallas Partner Addition
- 17 November 2023, K&L Gates Practice Area Leader, Pro Bono Committee Chair Honored with Lifetime Achievement Award from *The American Lawyer*
- 1 June 2023, K&L Gates Receives Firm, Individual Rankings in 2023 *Chambers USA* Guide
- 18 August 2022, More Than 350 K&L Gates Lawyers Named Among 2023 Best Lawyers in America, Ones to Watch
- 1 June 2022, K&L Gates Receives Firm, Individual Rankings in 2022 *Chambers USA* Guide
- 2 February 2022, K&L Gates Adds Labor and Employment Partner in Chicago
- 19 August 2021, Nearly 300 K&L Gates Lawyers Named Among 2022 Best Lawyers in America, Ones to Watch

- 21 May 2021, Chambers USA 2021 Guide Recognizes K&L Gates Labor, Employment, and Workplace Safety Practice, Lawyers Among Leaders
- 4 May 2021, K&L Gates Adds Second New Washington, D.C., Partner in a Week with Hire of U.S. Department of Labor Director
- 2 November 2020, Numerous K&L Gates Diverse and Women Lawyers Recognized for Leadership and Legal Accomplishments
- 23 April 2020, K&L Gates, Lawyers Recognized in 2020 Chambers USA Guide
- 26 April 2019, Chambers USA 2019 Guide Ranks K&L Gates, Lawyers Among Leaders
- 23 June 2016, K&L Gates, Lawyers Recognized as Leaders in Chambers USA 2016 Guide
- 20 May 2015, Chambers USA 2015 Guide Recognizes K&L Gates, Lawyers as Industry Leaders

AREAS OF FOCUS

- Labor, Employment, and Workplace Safety
- Appellate Litigation
- Collective Labor and Works Councils
- Employment Disputes and Investigations
- Global Employer Solutions
- Health Care and FDA
- Human Resource Advice and Compliance
- Wage and Hour

INDUSTRIES

- Artificial Intelligence
- Technology

REPRESENTATIVE EXPERIENCE

- Obtained precedential opinion from the Third Circuit allowing employer's RICO claims based on predicate acts of extortion to proceed to trial against SEIU and two of its local unions.
- Obtained summary judgment, affirmed by the Third Circuit, on high profile whistleblower claims brought by in-house patent attorney.

- Obtained complete dismissal with prejudice of EEOC Equal Pay Act pattern and practice case before providing discovery.
- Obtained summary judgment for a former Governor and the State in suit by former Superintendent of State Police involved in racial profiling controversy.
- Retained on appeal and obtained reversal of \$7 million plus jury verdict in favor of former anchorwoman.
- After lengthy bench trial, obtained judgment for employer in class action challenging termination of retiree benefits.
- Obtained state Supreme Court opinion of first impression favorably defining the elements of proof of retaliation.
- Obtained summary judgment in whistleblower case. Affirmed on appeal, establishing new standards of proof.
- Obtained dismissal of class action and PBGC claims regarding termination of multiple-employer pension plan.
- Obtained favorable results in discrimination and harassment litigation for leading pharmaceutical company in Michigan, Delaware, New York and New Jersey.
- Obtained summary judgment on all major claims in class action challenging termination of multiple-employer welfare trust fund.
- Obtained complete dismissal with prejudice of high-profile EEOC pattern and practice action under the Equal Pay Act.