



## Wayne N. Outten

Chair

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**WAYNE N. OUTTEN** is Chair and Founding Partner of Outten & Golden LLP. He was the Managing Partner from the founding of the firm in 1998 until the end of 2018. His practice focuses exclusively on representing individuals in all areas of employment law. He co-chairs the firm's [Executives and Professionals](#) and [Whistleblower Retaliation](#) Practice Groups.

Mr. Outten's practice focuses on representing high-level employees and professionals in all aspects of their employment, including negotiation of employment, compensation, and severance agreements. He is the author of the "Representing the Executive" chapter in Executive Compensation (Bloomberg). His practice includes representing employees in multinational employment contexts, including expatriate and seconded employees.

Mr. Outten's notable cases include: a recovery of more than \$12 million in a gender discrimination/retaliation case against Morgan Stanley in federal court; an \$18.9 million arbitration award in a breach of contract case against Deutsche Bank (with partner Larry Moy); and a \$71.5 million arbitration award under a profit participation plan against another international bank - perhaps the largest arbitration award in an employment case (with partners Larry Moy and Tammy Marzigliano).

Mr. Outten was selected by his peers as one of the “Best Lawyers in America” every year since 1987 and as one of New York’s Super Lawyers, where he is listed as one of the Top 100 New York Metro Super Lawyers every year since 2006. Best Lawyers designated him "Lawyer of the Year 2010" for Labor and Employment Law - New York City and "Lawyer of the Year 2012" for Litigation - Labor and Employment in New York City. He was selected for the Lawdragon 500 Leading Lawyers in America every year since 2005, and for the Lawdragon 500 Leading Litigators in America in 2006, and the Lawdragon 500 Hall of Fame in 2020. Mr. Outten was also selected to the new Lawdragon 500 Plaintiff Employment Lawyers in 2018. Mr. Outten has been an AV Preeminent Rated Lawyer in the LexisNexis Martindale-Hubbell Top Rated Lawyers since 1992.

Mr. Outten was a Co-Founder in 1993 of Workplace Fairness, a charitable/educational organization, and is its current president: [www.workplacefairness.org](http://www.workplacefairness.org). He is Co-Founder and Co-Chair of the Lawyers International Network for Employees and Executives (LINEE): [www.lineenetwork.org](http://www.lineenetwork.org). He has held leadership positions in numerous employment-related bar associations during the past 40 years.

He was a law clerk for U.S. District Court Judge Gus J. Solomon, District of Oregon (1974-76) and was an instructor at the NYU School of Law (1976-1978). He was an associate and then a partner at Lankenau Kovner & Outten, LLP (1979-1998).

Mr. Outten received his B.S. from Drexel University in 1970 and his J.D. from New York University School of Law in 1974, where he was an Arthur Garfield Hays Civil Liberties Fellow.

(\*Prior results do not guarantee a similar outcome.)

## **Bar Admissions & Professional Activities**

- Mr. Outten was admitted to the New York bar in 1979. He is also admitted to practice law in Maryland.
- Mr. Outten is admitted to the following federal courts (among others): The Supreme Court of the United States; the United States District Courts for the Southern District of New York; and Eastern District of New York; and the United States Court of Appeals for the Second Circuit.
- Founding member of the Executive Board of the National Employment Lawyers Association (NELA) in 1985 and served on its Board for more than 11 years.
- Founded the New York affiliate of NELA in 1986 and was its president for more than 15 years.
- Founding Governor of the College of Labor and Employment Lawyers (1996-2003).

- Served as Chair of the Section of Labor and Employment Law of the American Bar Association (2015-2016), served on the Section's Council (2000-2008), is liaison to the Section's Outreach to International Lawyers Committee, was Employee co-chair of both the International Labor & Employment Law Committee and the Employment Rights and Responsibilities Committee, was Liaison to the Section's Standing Committees on Employment Rights and Responsibilities and Pro Bono Work, and was liaison to and/or co-chair of numerous other Section Administrative Committees and Task Forces.
- Employee co-chair of the both the International Labor & Employment Law Committee and the Employment Rights and Responsibilities Committee.

## **Speaking Engagements**

Mr. Outten has lectured extensively on employment law, especially on negotiation, mediation, and arbitration of employment disputes, on employment and severance agreements, and on retaliation and whistleblower claims.

### **2021**

- Co-moderator: "2020: The Great Disruptor: The Future of Work, the Workplace, and the Workforce," College of Labor & Employment Lawyers, Webinar
- Panelist: "Workplace Disputes Panel: Best Practices for Managing Remotely - Avoiding Workplace Disputes," CPR: International Institute for Conflict Prevention & Resolution, 2021 Annual Meeting

### **2020**

- Speaker: "The Movement to Diversify Corporate Boards and How to Position Yourself for a Directorship," Labor & Employment Law Section of the American Bar Association, 14th Annual Labor and Employment Law Conference
- Panelist: "Managing Partner Conference Series: Managing Partner Response to COVID-19," Managing Partners' Forum of the New York State Bar Association
- Commentator: "Persuasive Oral Advocacy," National Employment Lawyers Association/New York, Webinar

### **2019**

- Moderator: "The C-Suite, The Board and The Glass Ceiling for Women: What Are Multi-National Companies Doing?," American Bar Association Section of Labor & Employment Law International Labor and Employment Law Committee, Midyear Meeting, Buenos Aires, Argentina

- Panelist: "Managing Partner Roundtable | Developing a Culture of Attorney Satisfaction," New York State Bar Association, Law Practice Management Committee Annual Meeting, New York City

## 2018

- Moderator: "The Arbitration Dichotomy: Advances Outside the US while Challenges to Its Use in the US Continue," American Bar Association, Section of Labor & Employment Law, Annual Conference of the International Labor & Employment Lawyers Committee, Milan, Italy
- Speaker: "Employees' Lawyer's Perspective: Resolving Highly Emotional Workplace Complaints and Claims," Practising Law Institute, Program on Psychological Issues in the Workplace, New York, NY

## 2017

- Panelist: "Representing Highly Compensated Employees," Maryland Employment Lawyers Association, Annual Conference, Greenbelt, MD
- Speaker, Moderator: "Not Just Plain Vanilla: Creative Settlement Terms in Employment Disputes," National Employment Lawyers Association, NELA Annual Convention, San Antonio, TX

## 2016

- Moderator: "Deferred Compensation Issues in Negotiating Severance Agreements," National Employment Lawyers Association, NELA 2016 Annual Convention, Los Angeles, CA

## 2015

- Keynote Speaker: "Employment Lawyer as Problem Solver," Connecticut Bar Association, Labor & Employment Law Section, Hartford, CT
- Moderator: "Pay and Leave," U.K. Employment Lawyer Association and ABA Labor & Employment Law Section International Committee, Fourth TransAtlantic Conference, London, England
- Panelist: "The New Restatement of Employment Law," National Employment Lawyers Association, NELA Convention, New York, New York
- Moderator: "Independent Contractors and Interns, "Zero-Hours" Contracts and Just-in-Time Scheduling: Organizing, Representing and Bargaining with Precarious Workers," American Bar Association Section of Labor & Employment Law, International Labor and Employment Law Committee Midyear Meeting, Barcelona, Spain
- Panelist: "Navigating International Labor and Employment Issues in Corporate Transactions: Know the Issues; Consult the Experts," Law Education Institute, National CLE Conference, Vail, CO

## 2014

- Moderator: "Cutting Edge Issues in EU and NA Discrimination Laws," American Bar Association Section of Labor & Employment Law, International Labor & Employment Law Committee Midyear Meeting, Tel Aviv, Israel
- Speaker: "The New Restatement of Employment Law: Its Strengths, Weaknesses & Ambiguities," National Employment Lawyers Association, 2014 Annual Convention: Blazing the Trail, Courage, Challenge, Change, Boston, MA
- Speaker: "International Issues to be Aware Of," Law Education Institute, National CLE Conference, Vail, CO
- "Negotiating Non-Monetary Terms—Employment Settlement Agreements," American Bar Association Labor & Employment Law Section, ABA Labor & Employment Law Section, Webinar

### **2013**

- Panelist: "Compensation and Discrimination/Equal Pay Issues in the Financial Services Sector," ELA, Third Transatlantic Conference, London, England
- Moderator: "Plenary Session—Case Study addressing the following issues: Cross-Border US/UK fact pattern raising potential sexual harassment, performance, pregnancy/maternity leave & promotion issues; Strategic concerns on how best to manage litigation in US/UK, inclu," ELA, Third Transatlantic Conference, London, England
- Speaker: "Let's Make a Deal: Settlement Agreements A-Z," American Bar Association Section of Labor & Employment Law, Employment Rights and Responsibilities Committee, Midwinter Meeting, Miami Beach, FL
- Panelist: "Hofstra Labor & Employment Law Journal 30th Anniversary Reception and Symposium," Hofstra, Arbitration and Mediation in Labor and Employment Law, New York, NY

### **2012**

- Panelist: "2011 A Year in Review, HR's Biggest Challenges," Five O'Clock Club, New York, NY
- Panelist: "The Lawsuit Seesaw: U.S. Discrimination vs. European Unfair Dismissal," Law Education Institute, Aspen, CO
- Co-Presenter: "Negotiating Executive Severance Agreements," American Bar Association Premiere, Webinar
- Panelist: "Arbitration and Mediation in labor & Employment Law," Hofstra, Hofstra Labor & Employment Law Journal's 30th Anniversary Symposium, New York, NY

### **2011**

- Panelist: "Employment Agreements for Employees and Independent Contractors," ABA Labor & Employment Section, Annual CLE Conference, Seattle, WA
- Moderator: "Employment Discrimination Laws: EU and US Perspectives," ABA Labor & Employment Law Section, International Labor & Employment Law Committee

- Lecturer: "Taxable Damages in Employment Cases," Non-Qualified and Attorney Fee Structures Conference
- Moderator: "A Comparison of How Litigation is Handled Outside the U.S.," ABA, Labor & Employment Law Section, Employment Rights & Responsibilities Committee, Midwinter Conference
- Moderator: "Alternative Fee Arrangements from Different Countries," ABA, Labor & Employment Law Section, Employment Rights & Responsibilities Committee, Midwinter Conference
- Panelist: "A Pragmatic Approach to Mediation by Litigators for Litigators," New York City Bar Association, New York, NY
- Panelist: "Law Firm Partnership Issues," NELA/NY Conference, NELA/NY Conference
- Moderator: "Employment Agreements 101," NELA, Annual Convention

## 2010

- Lecturer: "Strategies for Meeting Diversity Goals in the Legal Profession," ABA, Labor & Employment Law Section, Employment Rights & Responsibilities Committee
- Lecturer: "Samuel M. Kaynard Award for Excellence in the Fields of Labor & Employment Law: "Moving Towards the Future," Hofstra Law School
- Lecturer: "Arbitration Under Attack: The Future of ADR," CPR Institute for Conflict Prevention & Resolution, 2010 Annual Meeting - Global ADR: The New Reality
- Lecturer: "We Don't Do Things That Way Here Stranger: International Practice Gotcha's," Law Education Institute - Labor & Employment Law
- Lecturer: "Supreme Court Developments in Employment Law in 2010: What You Need to Know in This Changing Landscape," New York City Bar Association
- Lecturer: "Skills for Alternative Dispute Resolution," Practising Law Institute, Bridge-The-Gap II for Newly Admitted Attorneys
- Lecturer: "Cross-Border Labor Importation and Migration: Implications for U.S. and E.U. Lawyers," ABA, Labor & Employment Law Section, International Labor & Employment Law Committee

## 2009

- Lecturer: "Regulating Executive Compensation," New York University School of Law, New York, NY
- Lecturer: "The Role of Courts in Policing Professionalism," ABA Labor & Employment Section, Committee on Ethics and Professionalism
- Lecturer: "Preparing for Mediation - Tips for the Advocate and Tips for the Mediator and Mandatory Arbitration - Pyett and Beyond," New York State Bar Association, Labor & Employment Law Section Fall Meeting
- Lecturer: "Workplace Issues in the Current Economic Climate and the Role of Dispute Resolution," Association of Conflict Resolution of Greater New York
- Lecturer: "Executive Employment Agreements & Executive Compensation," National Employment Lawyers Association/New York, New York, NY
- Lecturer: "Protecting Your Rights as an Administrator Under the Law," Association of Legal Administrators

- Lecturer: "Why Diversity Matters: Not Just Talking But 'Walking the Walk'," National Employment Lawyers Association, Annual Convention
- Lecturer: "Dealing with the International Employee," Colorado Bar Association, National CLE Conference
- Lecturer: "The Employment 'Pre-Nuptial' - Counsel Go Head to Head Over Non-Competition, Confidentiality and other Restrictions on Employees," Upper Midwest Employment Law Institute, Saint Paul, MN
- Lecturer: "Mediation Advocacy: the Perspective of Employee's Counsel," National Employment Lawyers Association, New Jersey
- Lecturer: "Crucial Strategies in Negotiating Employment and Separation Agreements," ABA Labor & Employment Section, Annual CLE Conference
- Lecturer: "The Divorce Wars - When the Departing Employee Leaves with Trade Secrets, Employees, and other Valuable Corporate Assets," Upper Midwest Employment Law Institute, Saint Paul, MN
- Lecturer: "Litigation Strategy: Plaintiffs' Counsel, A Moderated Discussion," Practising Law Institute, 38th Annual Institute on Employment Law
- Co-Producer & Discussion Leader: "UK Employment Lawyers Association," Labor & Employment Law Conference, London, England

### **Awards & Recognition**

- Best Lawyers in America (Recognized 32 consecutive years), listed since 1987
- Legal 500 United States Recommended Labor and Employment Lawyer, 2019-2020
- Intercontinental Finance Magazine 2014-2015 ICFM 500 Leading Lawyers
- Top 100 New York Super Lawyers: 2006-2014
- Super Lawyers: 2006-2020
- The International Who's Who of Management Labour & Employment Lawyers 2011 (only employee-side attorney in U.S.)
- 2011 Honoree, at Fifth Anniversary Celebration of A Better Balance
- Award for Pro Bono Assistance, Legal Services NYC 2010
- 2010 Public Interest Award of the Public Interest Law Student Association, CUNY School of Law
- 2010 Samuel M. Kaynard Award for Excellence in the Field of Labor & Employment Law, Hofstra Law School

- Distinguished Community Leader Award, CUNY School of Law, 2010
- Partner in Justice Award, MFY Legal Services, Inc. 2010
- The ALMO (Alumni of the Month), New York University School of Law, August 2009
- Distinguished Alumnus, LeBow College of Business, Drexel University 2008
- Lawdragon 500 Hall of Fame 2020
- Lawdragon 500 Leading Plaintiff Employment Lawyers 2018-2020
- Lawdragon 500 Leading Lawyers in America 2005-2019
- Lawdragon 500 Leading Litigators in America 2006
- Lawdragon Legend 2015 (one of 50 in U.S.)
- Award for Dedicated Service, National Employment Lawyers Association/New York Affiliate, 2001
- Social Justice Leadership Award, The Ethical Humanist Society of Long Island, 2014
- Award as Founding Leader (30th Anniversary), National Employment Lawyers Association 2015
- Fellow, College of Labor & Employment Lawyers, Inducted in 1996