



## **Justin M. Swartz**

Partner

685 Third Avenue  
25th Floor  
New York, NY 10017

T: (212) 245-1000

F: (646) 509-2060

[jms@outtengolden.com](mailto:jms@outtengolden.com)

**JUSTIN M. SWARTZ**, a partner at Outten & Golden LLP in New York and Co-Chair of its [Class Action Practice Group](#), represents employees in class action wage/hour and discrimination cases, as well as individual discrimination cases and other employment matters. He is also Co-Chair of the firm's [Public Interest Committee](#).

Over the past ten years, Mr. Swartz has been lead counsel or co-lead counsel in dozens of unpaid wage theft class and collective actions on behalf of workers in a wide variety of industries. He has represented thousands of workers in unpaid overtime lawsuits including assistant store managers at drugstores, restaurants (including Chipotle), and retail clothing chains, furniture salespeople, unpaid interns, "volunteers" who work for private companies (including Major League Baseball), dishwasher repair people, exterminators, delivery drivers, security guards, financial services employees, bank assistant branch managers, grocery store assistant managers and hourly workers, pet groomers, entry-level accounting employees, and adult entertainers, among others. He is currently litigating cases challenging the practice of classifying workers as independent contractors and failing to pay overtime compensation. He has also represented thousands of restaurant workers in overtime, minimum wage, and tip theft cases, including cases against TGI Friday's and Applebees, as well as restaurants owned by Mario Batali, Bobby Flay, and other celebrity chefs. Mr. Swartz and Outten & Golden LLP's Public Interest Committee have represented hundreds of low-wage workers in minimum wage and unpaid overtime cases, including construction workers, farm workers, and low-wage cleaning workers in their claims that large contractors failed to pay them overtime compensation for their work cleaning buildings around Ground Zero in 2001.

He has also represented workers in employment discrimination claims against companies that have refused to hire minorities with criminal records, systemic gender discrimination claims against a major utility company; and several individual race, gender identity, sexual orientation, and national origin discrimination cases.

He has represented hundreds of female and African American stock brokers in nationwide discrimination class action lawsuits against the country's leading brokerage firms, including Merrill Lynch, Bank of America, Goldman Sachs, and Smith Barney.

Mr. Swartz is active in bar associations including the American Bar Association Section of Labor and Employment Law where he is Co-Chair of the Section's CLE/Institutes and Meetings Committee, Co-Chair of the Committee on Equal Employment Opportunity Law, and is a former Co-Chair of the Ethics and Professional Responsibility Committee.

Mr. Swartz frequently works with non-profit organizations on public interest matters including successfully representing a formerly incarcerated security guard in a licensing hearing in conjunction with MFY Legal Services and representing three low-wage immigrant women in sexual harassment, assault and battery, and overtime claims as co-counsel with the ACLU Women's Rights Project. He has co-counseled with, and performed pro bono services for, Make the Road New York, The Legal Aid Society, South Brooklyn Legal Services, Manhattan Legal Services, the New York Civil Liberties Union, Legal Momentum, NYLAG, the Sylvia Rivera Law Project, and MFY Legal Services as a volunteer attorney at its legal clinics. Mr. Swartz is also part of the Lambda Legal Cooperating Attorney Network. While living in Chicago, he volunteered at First Defense Legal Aid, providing emergency representation for recent arrestees and documenting police misconduct.

Mr. Swartz joined Outten & Golden LLP in December 2003 after representing workers as an associate at Goodman & Zuchlewski, LLP, in New York and Stowell & Friedman, Ltd., in Chicago.

He graduated from DePaul University School of Law with honors in 1998.

### **Bar Admissions & Professional Activities**

- Mr. Swartz is admitted to practice law only in New York and Illinois.
- Mr. Swartz is admitted to the following federal courts: The United States District Courts for the Southern District of New York, the Eastern District of New York, the Western District of New York; and the Northern District of Illinois.

- Mr. Swartz is active in several bar associations including the Association of the Bar of the City of New York, where he has served on the Committee on Civil Rights (2005-2008) and the Committee on Labor and Employment Law (2002-2005). He is a member of the Executive Board of the National Employment Lawyers Association (NELA) New York affiliate and is Co-Chair of the NELA National Wage and Hour Committee. He is an active member of the ABA Section on Labor and Employment Law, where he was a Vice Chair of the planning committee for the 4<sup>th</sup> Annual CLE Conference, was Co-Chair of the Ethics and Professional Responsibility Committee from 2005-2008, is a Contributing Editor for the supplement to the BNA/ABA LEL Section treatise, The Fair Labor Standards Act, a Chapter Monitor for the supplement to the BNA/ABA LEL Section treatise, Employment Discrimination Law, and co-chair of the Equal Employment Opportunity Committee 2012 conference planning committee. He also belongs to the American Constitution Society and Americans United for Separation of Church and State.

## **Speaking Engagements**

Mr. Swartz speaks frequently on employment law and ethics. He has spoken and co-authored papers on prosecuting employment discrimination claims, representing sexual harassment victims, discrimination claims against lesbian, gay, bisexual, and transgender people, a wide variety of wage and hour issues, workplace privacy issues, retaliatory counterclaims by employers, discrimination suits by law-firm partners, stereotyping evidence in discrimination cases, and other employment law and ethics issues.

### **2019**

- Speaker, Moderator: "[Arbitration Administrators Hear From NELA Lawyers On The Challenges They Face In Arbitration](#)," National Employment Lawyers Association, 2019 Spring Seminar, Denver, CO

### **2018**

- Speaker: "View from the Plaintiffs' Bar: Adapting Your Defense Strategies to New and Innovative Techniques and Tactics," American Conference Institute, 26th National Forum on Wage & Hour Claims and Class Actions, Miami, FL

### **2017**

- Panelist: "Interactive "Ask the Plaintiff's Bar," American Conference Institute'2 29th National Forum, Wage & Hour Claims and Class Actions, Session: Adapt Your Strategies to New and Innovative Techniques Being Brought by Your Adversaries Specifically in the Wage Context, Miami, FL
- Panelist: "FLSA/Wage & Hour Issues in US Sport," Sports Lawyers Association (SLA), 2017 Annual Conference, Denver, CO

## 2016

- Panelist: "Interactive "Ask the Plaintiff 's Bar" Session: Adapt Your Strategies to New and Innovative Techniques and Tactics Brought by Your Adversaries Specifically in the Wage Context," American Conference Institute, 28th National Forum on Wage & Hour Claims and Class Action, San Francisco, CA
- Moderator: "Co-Counseling & Cooperating with Other Plaintiffs' Lawyers (Or Playing Nice in The Sandbox)," NELA, 2016 Annual Convention, Los Angeles, CA

## 2015

- Speaker: "View from the Plaintiffs' Bar: Adapting Your Defense Strategies to New and Innovative Techniques and Tactics," American Conference Institute, 23rd National Forum on Wage & Hour Claims and Class Actions, Miami, FL
- Speaker: "Current Issues in Settlement of FLSA Cases," New York City Bar Association, New York, NY
- Panelist: "Displaying Professionalism When Clients Allege Wrongdoing and Malpractice," ABA, Section of Labor & Employment Law, 9th Annual Labor & Employment Law Conference, Philadelphia, PA
- Speaker: "Interns and Volunteers as Employees?," New York University, 68th Annual Conference on Labor, New York, NY
- Speaker: "Views From The Plaintiff's Bar," American Conference Institute, 25th Wage & Hour Conference, San Francisco, CA
- Moderator: "Vulnerable Workers Under the Microscope: Developments and Prospects," ABA Section of Labor & Employment, National Conference on Equal Employment Opportunity Law, Miami Beach, FL
- Faculty: "Wage-Hour Actions," NYU University School of Law, Eighteenth Annual NYU Workshop on Employment Law for Federal Judges, NYU Labor & Employment Law, Institute of Judicial Administration, New York, NY

## 2014

- Speaker: "Defeating and Dealing with Arbitration Agreements in Fair Labor Standards Act (FLSA) Cases," American Association for Justice, Employment Rights Section and Wage & Hour Litigation Group, Baltimore, MD
- Panelist: "FLSA Mediation Issues," JAMS, Employment Law Practice Group Conference, New York, NY
- Moderator: "Raising the Level of Ethics and Professionalism in the Labor and Employment Bar," ABA Section of Labor & Employment Law, 8th Annual Labor & Employment Conference, Los Angeles, CA
- Panelist: "Views From The Plaintiffs' Bar: Adapting Your Defense Strategies to New and Innovative Techniques and Tactics," American Conference Institute, 21st Wage & Hour Claims and Class Actions Conference, New York, NY
- Speaker: "View from the Plaintiffs' Bar: Adapting Your Defense Strategies to New and Innovative Techniques and Tactics," American Conference Institute, 22nd National Forum on Wage & Hour Claims and Class Actions, Los Angeles, CA

- Facilitator: "A Side Bar With the Judges on Rule 30(b)(6): Use, Abuse, and Process," National Conference on Equal Employment Opportunity Law, Rancho Mirage, CA
- Moderator: "Arbitration and Alternatives," New York University, Title VII of the Civil Rights Act After 50 Years, NYU 67th Annual Conference on Labor, New York, NY
- Panelist: "Views From The Plaintiffs' Bar: Adapting Your Defense Strategies to New and Innovative Techniques and Tactics," American Conference Institute, 20th Wage & Hour Claims and Class Actions Conference, Miami, FL
- Speaker: "View from the Plaintiffs' Bar: Adapting Your Defense Strategies to New and Innovative Techniques and Tactics," American Conference Institute, 21st Wage & Hour Claims and Class Actions Conference, New York, NY
- Speaker: "Keeping the Heat On Employers in FLSA Cases," NELA, 2014 Annual Convention: Blazing the Trail, Courage, Challenge, Change, Boston, MA

### **2013**

- Faculty: "Wage and Hour Practice Today: Policies and Litigation Strategies after Comcast, Genesis, and Espenschied," American Law Institute, CLE, Audio/Webcast
- Panelist: "Settling Wage-Hour Litigation (including Rule 68 Offers after Genesis Healthcare v. Symczyk), Litigation and Settlement of FLSA Claims," NYU Labor & Employment Law, NYU 66th Annual Conference on Labor, New York, NY
- Panelist: "Attorney's Fees and Settlement of FLSA and Wage & Hour Actions," FLSA/Wage & Hour 2013 Litigation & Management, New York, NY
- Panelist: "Class and Collective Action Certification and Related Discovery," Practising Law Institute (PLI), Managing Wage & Hour Risks 2013, New York, NY
- Speaker: "Wage & Hour Claims and Class Actions," American Conference Institute, 18th National Forum, New York, NY
- Speaker: "Attorney's Fees and Settlement of FLSA Actions," Bridgeport Continuing Legal Education
- Panelist: "Talk to Me: Communications with Potential Class Members Before and After Complaint Filing," ABA Labor & Employment Section, 7th Annual Conference, New Orleans, LA
- Panelist: "Plaintiff's Perspective on Wage and Hour Litigation," New York County Lawyers' Association, How to Handle a Wage and Hour Case, New York, NY

### **Awards & Recognition**

- 2016-2022: Selected to Best Lawyers®
- 2019-2021: Legal 500 United States Recommended Labor and Employment Lawyer

- 2013-2021: Selected to Super Lawyers
- 2019-2020: Named "Lawyer of the Year" by Best Lawyers® for: Litigation - Labor and Employment, New York City
- 2018-2020: Lawdragon 500 Leading Plaintiff Employment Lawyers
- 2019: Lawdragon 500 Leading Lawyers
- 2011-2012: Recognized as a Rising Star by Super Lawyers