



## Christopher M. McNerney

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**CHRISTOPHER M. MCNERNEY** is a partner with Outten & Golden and an experienced litigator. As a member of the firm's [Class Action, Discrimination and Retaliation](#), and [Sex Discrimination and Sexual Harassment](#) Practice Groups, he is focused on cutting edge civil and workers' rights class actions pushing the law towards realizing its latent promise of justice.

Christopher represents employees in class action discrimination (race, gender and criminal history, among other topics), wage and hour, and Fair Credit Reporting Act cases, as well as other civil rights cases on behalf of criminal defendants, tenants, and other impacted individuals. He has particularly devoted his career to impact litigation addressing the collateral consequences of criminal convictions, challenging employers' criminal history screens that disproportionately screen out applicants of color - and has litigated such cases against some of the largest and most prominent employers in the country, including Walmart, Hertz, Target, Madison Square Gardens, the State of Washington and its 39 Counties, the Southeastern Pennsylvania Transportation Authority, and the United States Census Department (for which Christopher was named [Trial Lawyer of the Year by Public Justice, \*Gonzalez v. Pritzker\*](#), in 2017), among many other employers.

Throughout his career, Christopher has recovered over \$100 million for workers and other aggrieved individuals. Christopher has successfully litigated in federal and state courts across the country, including by:

- Upholding the unconscionability of an adhesive arbitration agreement in the Court of Appeals for the Ninth Circuit;
- Reversing a district court's dismissal of Fair Credit Reporting Act claims on standing grounds in the Court of Appeals for the Third Circuit;
- Reversing a district court's decertification of a Fair Labor Standards Act collective in the Court of Appeals for the Second Circuit;

- Certifying a contested defendant settlement class of employers violating New York City’s Fair Chance Act while overcoming online job boards’ Communications Decency Act arguments for dismissal in New York State Supreme Court;
- Achieving a nearly two-million dollar settlement of Title VII disparate impact race and national origin claims in the District of Delaware Bankruptcy Court, as part of the company’s restructuring plan after it declared bankruptcy and litigation in the Northern District of California was stayed; and
- Certifying Rule 23(b)(3) Title VII disparate treatment and impact gender discrimination claims against Goldman Sachs in the Southern District of New York—in one of the closest watched employment cases of the last decade.

Christopher especially focuses on areas of the law that need development, and strategically litigates to push the law to more robustly protect vulnerable individuals.

Christopher writes and speaks frequently about employment issues, including in the criminal history context, and is a contributor to the legal treatise, *Collateral Consequences of Criminal Conviction Law, Policy and Practice*.

Christopher received his B.A., with honors, from Macalester College, and his J.D., with honors, from NYU School of Law. He clerked for the Hon. Sarah Netburn in the Southern District of New York.