



Lisa E. Cleary

Partner

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Lisa Cleary is a senior litigation partner and served as Co-Chair and Managing Partner of the firm from 2014 – 2022. Ms. Cleary works closely with a broad range of corporations and tax-exempt organization clients on employment issues related to their highest-level executives and other key employees. A thoughtful strategist, she brings valuable insights to clients beyond the law and the facts, anticipating the responses an employer might expect when taking employment action, and how to limit that action's disruptive impact on the organization. Her clients benefit from her judgment, big-picture understanding and insightful perspectives, which allows clients to implement the most effective employment strategies for their organizations.

For over 25 years, Ms. Cleary has regularly advised boards of directors on issues including the negotiation of executive compensation, performance evaluation, transition and employment termination of CEOs. She provides this sensitive advice for public companies, private entities and tax-exempt organizations and foundations, all of which operate under the same rules in these circumstances. Her work with a significant number of tax-exempt organizations has given her a deep understanding of the interplay between their specific legal requirements and the employment issues they face, such as tax rules on compensation and addressing whistleblower complaints.

Ms. Cleary often assists companies in navigating difficult situations where CEO termination occurs in the midst of critical litigation or other corporate crises. She also advises in-house counsel, human resources personnel, and line managers on minimizing the legal risks of individual employee terminations beyond executives, as well as counseling clients to ensure compliance with applicable laws.

Her practice includes assisting clients in employment-related litigation matters before administrative agencies, state and federal courts. She frequently advises and defends clients facing EEOC, Department of Labor, and New York City Human Rights Commission charges, audits and inquiries. She counsels clients with respect to employment contracts and regularly defends clients in wrongful discharge cases. In addition, Ms. Cleary provides training on a broad range of employment matters, drafts and vets personnel policies and handbooks, and also provides advice on employer recordkeeping requirements.

When her clients are faced with employee theft, whistleblower claims and complaints of discrimination and harassment, Ms. Cleary advises them on best approaches and frequently conducts highly sensitive internal investigations regarding such matters. She has also worked with local, state and federal prosecutors on behalf of clients in a wide range of situations.

In addition, Ms. Cleary defends and prosecutes cases involving employment-related restrictive covenants, drafts and negotiates employment contracts and represents employers in connection with claims arising under ERISA. She also conducts diversity training seminars and provides counsel on employee classifications and overtime issues under the Fair Labor

Standards Act. Where consistent with client goals, Ms. Cleary incorporates alternative dispute resolution procedures to achieve optimum results for clients.

Admissions

- U.S. Supreme Court
- U.S. District Court, Southern, Eastern and Northern Districts of New York; District of Colorado
- U.S. Court of Appeals, Second Circuit; Eleventh Circuit
- New York

Professional Activities

HONORS: 2023 Honoree at the New York Lawyers for the Public Interest's Annual Law & Society Awards Luncheon; Recipient, New York State Bar Association President's Pro Bono Service Award for the 1st Judicial District (Manhattan), nominated by New York County Lawyers' Association (1994); Recipient, New York State Bar Association's Root/Stimson Award, in honor of Elihu Root and Henry L. Stimson, whose careers personified the profession's commitment to public service, and in recognition of outstanding volunteer service to the community which has reflected honor on the legal profession (2001); Recipient, Legal Aid Society, Public Interest Law Leadership Award (2008); Named in *Super Lawyers* in the area of Employment & Labor; Recipient, Legal Aid Society, Pro Bono Publico Award (2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018); Recipient, New York County Lawyers' Association, Boris Kostelanetz President's Medal (2016); Recognized in *The Best Lawyers in America*® in the areas of Employment Law – Management and Litigation – Labor & Employment; Named to the "Irish Legal 100"; Named Among *Crain's New York Business'* 2020 Notable Women in Law; Listed as a "Labor & Employment Star" in Euromoney Institutional Investor PLC's *Benchmark: America's Leading Litigation Firms and Attorneys*

MEMBERSHIPS: Senior Fellow, Litigation Counsel of America; American Bar Foundation; Harvard University, John F. Kennedy School of Government, Executive Education Program (May 2006); Mobilization for Justice (formerly MFY Legal Services, Inc.) (Chairperson, Board of Directors, 1994–2000; Member of Board, 1991–Present); Volunteers of Legal Service, Inc. (Member, Board of Directors, 1996–Present); Lawyers' Committee for Civil Rights Under Law (Member, Board of Directors, 2006–Present; Member, Executive Committee, 2010–2019; Chair, Development Committee); Member, Practising Law Institute (Pro Bono Advisory Committee, 1997–Present), American Bar Association (Litigation and ADR Sections); New York State Bar Association (President's Committee on Access to Justice, 1996–2004), New York County Lawyers' Association (Chair, Pro Bono Committee, 2007–Present); Association of the Bar of the City of New York (Member, Nominations Committee, 2020–2021; Vice President, Executive Committee, 2017–2018; Member, 2011–2013 and Secretary, 2012–2013, Judiciary Committee); Student/Sponsor Program

Publications

Co-Author, "[Unpacking the Employment Implications of Comcast Corp. v. Behrend: The Second Circuit Prepares to Dive In,](#)" *Inside*, Spring/Summer 2014, Vol. 32, No. 1, New York State Bar Association

Education

- Duke University School of Law (J.D., 1983)
 - Chancellor's Scholarship Recipient
- Harvard University and Radcliffe College (B.A., *magna cum laude*, 1980)

Employment Litigation

Ms. Cleary regularly appears before federal, state and local courts and administrative agencies, having successfully defended clients in class action and other multi-plaintiff suits involving the discrimination laws, wage and hour laws and employee benefits litigation under ERISA.

Examples of employment litigation matters include:

Pharmaceutical Company

Successfully obtained summary judgment in federal court action where former employee claimed that age discrimination was reason for denial of promotion.

Privately-Held Company

Successfully obtained summary judgment in Eleventh Circuit in action commenced by former employee alleging religious and age discrimination.

Hospitality Company

Represent resort hotel in connection with wage and hour challenges in federal court and lead successful resolution of class action at mediation supervised by federal magistrate judge.

Law Firms

Conduct internal investigations relating to sex discrimination, pay equity and sexual harassment claims.

International Corporation

Defense of investment bank in connection with glass ceiling claims.

Pension Funds

Representation of pension funds in a variety of employment, ERISA and pension litigation matters before the EEOC and state and federal courts.

Publishing Company

Representation of publishing company in action commenced against publisher and senior executive alleging sexual harassment in the workplace.

Cultural Organization

Counseling advice with respect to termination of security officers and other personnel matters.

Bank

Successful dismissal on statute of limitations grounds of federal court complaint alleging age discrimination.

Not-for-Profit Organizations

Defense of Executive Director and not-for-profit in connection with charge of national origin discrimination.

Representation of not-for-profit in action where complainants alleged denial of adoption application was based on religious discrimination.

Defense of company in connection with reduction in force with respect to claims of reverse sex and religious discrimination.

Defense of employment discrimination lawsuit commenced by former employee alleging constructive discharge based on HIV status.

Pro Bono Commitment

Ms. Cleary chaired the firm's Pro Bono Committee from 1994 - 2014. The firm is consistently recognized for its commitment to pro bono service on behalf of low income New Yorkers. Ms. Cleary was a 2023 Honoree at the New York Lawyers for the Public Interest's Annual Law & Society Awards Luncheon. Her past recognitions include the New York State Bar Association President's Pro Bono Service Award for the 1st Judicial District; the New York State Bar Association's Root/Stimson Award, in honor of Elihu Root and Henry L. Stimson, whose careers personified the profession's commitment to public service; the New York County Lawyers' Association's 2016 Boris Kostelanetz President's Medal; and the 2008 Public Service Law Firm Leadership Award from the Legal Aid Society. Ms. Cleary has received one of the Legal Aid Society's 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017 and 2018 Pro Bono Publico Awards for her work on behalf of children in foster care and on behalf of

runaway and homeless youth. Ms. Cleary has also been recognized on multiple occasions by Mobilization for Justice (formerly MFY Legal Services, Inc.) for her contributions on behalf of clients with mental disabilities.