



## Ryan J. Kurtz

Associate

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Ryan Kurtz is an Associate in the firm's Employment group. His practice focuses on employment counseling and litigation, as well as student and faculty conduct matters in higher education and at private schools. Working closely with colleagues in the firm's Tax-Exempt Organizations, Employee Benefits and Executive Compensation, and Tax groups, Mr. Kurtz is experienced in comprehensively addressing clients' workplace and campus needs.

### **Employment Counseling**

Mr. Kurtz's employment counseling practice centers on risk management and prompt intervention, from recruiting to employment termination.

#### *Recruiting and Hiring*

Mr. Kurtz regularly drafts employment contracts and offer letters, including (where appropriate) provisions designed to safeguard valuable employer confidential information, trade secrets, and other intellectual property. He also advises clients in navigating issues such as:

- hiring employees subject to non-compete and non-solicit agreements with previous employers
- lawfully promoting diversity
- following "ban the box" laws and background check regulations, including the Fair Credit Reporting Act
- correctly classifying individuals as employees or independent contractors and exempt/non-exempt (from minimum wage and overtime rules)
- onboarding and training new hires

Additionally, he counsels clients on compliance with New York State and City requirements that covered employers include salary ranges in job postings.

#### *Employer Policies and Active Employee Matters*

Mr. Kurtz has substantial experience drafting effective and practical workplace policies that comply with an ever-expanding web of federal, state, and local law, while also providing clear guidance to employees. He also counsels employers on:

- application of policies to particular employees and situations, including leave requests that implicate a number of applicable federal, state, and local laws
- wage and hour matters, including compensable time, overtime, and mandatory employee breaks
- workplace accommodations requests (such as disability and religious-based requests), including assisting employers in developing practical solutions that meet employer and employee needs in a cost-effective manner
- employee complaints, including conducting workplace investigations into allegations of harassment and retaliation
- counseling high net worth individuals on employment issues concerning family offices and domestic employees

He also helps clients develop and implement effective hybrid and remote work policies, including addressing regulatory issues when remote work crosses state lines.

### *End of Employment*

Mr. Kurtz regularly drafts and negotiates separation and settlement agreements—navigating requirements related to confidentiality and non-disparagement agreement. He also has specific experience:

- advising Boards in connection with termination of high-level executives
- counseling employers on lawfully executing group terminations (or reductions in force)
- enforcing non-competition, non-solicitation, and confidentiality obligations of departing employees

He also regularly negotiates private settlements with opposing counsel, including through mediation.

### **Litigation**

When allegations cannot be resolved outside of court, Mr. Kurtz represents clients in litigation. He is an experienced litigator and a former public defender, having tried a number of cases before a jury as lead or solo counsel, and argued numerous pre-trial motions. Recently, he served as second chair in an employment discrimination trial in the United States District Court for the Southern District of New York, which ended favorably for the firm's client. He also argued before the New Jersey Supreme Court as *amicus curiae* on behalf of a trade association in a matter of great significance in the products liability space. Additionally, Mr. Kurtz has represented former corporate executives in connection with ERISA litigation, and a building owner in administrative proceedings before the New York City Commission on Human Rights related to disability access and structural accommodations.

### **Higher Education and Private Schools**

In addition to his employment practice, he advises private school, colleges, and universities regarding Title IX compliance and student and faculty conduct and employment matters. Mr. Kurtz has experience drafting university policies and procedures, including amending and adopting policies in faculty handbooks. He is well-versed in the current Title IX regulations, and has drafted Title IX policies and trained the President of a major international university on his role in the Title IX adjudication process. He also regularly advises academic institutions on investigating and adjudicating faculty and student misconduct allegations in accordance with their own policies and applicable law.

### **Other Professional Activities and Experience**

Mr. Kurtz shares in the Firm's commitment to pro bono service, and maintains an active pro bono practice. He is representing a client on death row in Alabama in federal habeas corpus proceedings before the United States District Court for the Northern District of Alabama, as well as a social security claimant before an Administrative Law Judge (having successfully received a remand from the United States District Court for the Southern District of New York). Mr. Kurtz previously represented a tenant in non-payment proceedings in housing court, achieving a favorable settlement.

Mr. Kurtz is also an experienced public speaker. He frequently presents at Continuing Legal Education events and is a regular guest speaker to law school clinic students.

From 2017 to 2018, Mr. Kurtz served as a law clerk to the Hon. Christopher F. Droney of the United States Court of Appeals for the Second Circuit. From 2014 to 2017, Mr. Kurtz worked as an attorney at the New Jersey Office of the Public Defender.

### **Admissions**

- U.S. Court of Appeals, Second Circuit
- U.S. District Court, District of New Jersey
- U.S. District Court, Southern District of New York
- New York
- New Jersey

### **Education**

- Harvard Law School (J.D., *cum laude*, 2014)
  - General Board Member, *Harvard Civil Rights-Civil Liberties Law Review*
- Georgetown University (B.A., *cum laude*, 2010)

### **Speaking Engagements**

- "Navigating Reasonable Accommodations in the Workplace in 2024 and Beyond," Patterson Belknap's 2024 Employment Law and Employee Benefits CLE Series (October 29, 2024)