

BRIAN J. GERSHENGORN

Co-Regional Managing Partner

New York

212.899.9979

212.956.1971

Service Focus

- California Litigation and Appellate
- Litigation and Trials
- Wage and Hour

Industry Focus

- Healthcare
- Retail
- Sports

OVERVIEW

Brian Gershengorn is co-managing partner of the firm's New York office. He represents clients in employment, wage and hour, class action and traditional labor matters in the healthcare, securities, real estate, property management, hospitality, financial services, sports, entertainment, educational, and retail industries.

Brian's practice focuses on representing clients against claims of employment discrimination, sexual harassment, retaliation, wrongful discharge, breach of contract, defamation, tip-pooling, meal and rest breaks, misclassification, and off-the-clock allegations. Brian has successfully defended clients as lead counsel in a wide variety of employment litigation matters, including complex wage and hour matters, in state and federal courts in both jury and bench trials.

He also regularly counsels clients on compliance with anti-discrimination laws, wage and hour laws, New York City's Fair Workweek Law, just cause law for fast-food

employees, the Family and Medical Leave Act (FMLA), and the National Labor Relations Act (NLRA), among others, as well as the management of personnel problems, workplace investigations, and employee handbooks.

Brian has also advised clients in all aspects of traditional labor matters, including representing clients before the National Labor Relations Board (NLRB). He has represented clients in grievance arbitrations and defended clients in unfair labor practice trials. Brian has also served as lead counsel during collective bargaining negotiations and advised on other collective bargaining matters, advised clients on union representation and union awareness, and guided clients through union representation elections and campaigns.

Recent Experience

- Successfully defended clients in a Fair Labor Standards Act (FLSA) wage and hour collective action jury trial in the Western District of Pennsylvania.
- Successfully defended clients in a Fair Labor Standards Act and New York Labor Law wage and hour litigation bench trial in the Southern District of New York.
- Oversee and conduct wage and hour compliance audits.
- Attained summary judgment in the Eastern District of New York in a case alleging discrimination on the basis of age.
- Representation of clients in collective bargaining negotiations.
- Representation of clients in arbitrations arising from collective bargaining relationships in both the private and public sectors.

Credentials

Education

- Brooklyn Law School, J.D., cum laude, 2003
- Cornell University School of Industrial and Labor Relations, B.S., 2000

Bar Admissions

- New Jersey
- New York

Court Admissions

- U.S. Court of Appeals for the Second Circuit
 - U.S. District Court for the District of New Jersey
 - U.S. District Court for the Eastern District of New York
 - U.S. District Court for the Southern District of New York
 - U.S. District Court for the Western District of New York
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Recognitions

- Listed in *Lawdragon's 500 Leading U.S. Corporate Employment Lawyers* (2021, 2022, 2024-2026)
 - Recognized in *The Best Lawyers in America* (2020 - 2026)
 - Listed as a *New York Super Lawyer* (2017)
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Affiliations

Professional Activities

- Member, New York State Bar Association

INSIGHTS

Insights

Jun 30, 2025

NYC Responds to Employer Confusion Over State's Paid Prenatal Leave Requirements: 3 Key Points on City's New Rules Kicking in July 2

Event

Jun 25, 2025

Hospitality Hour with Fisher Phillips: Predictive Scheduling Laws Are Reshaping Hospitality — Is Your Business Ready?

Insights

May 20, 2025

New York Delivers Good News to Employers in Battle Over Frequency of Payments Law for Manual Workers: 4 Top Takeaways

Publication

Apr 22, 2025

Republished Insight: Workers Who Can Still Perform Job Without Accommodation Permitted to Advance ADA Claim: What Employers Need to Know

Insights

Apr 8, 2025

Workers Who Can Still Perform Job Without Accommodation Permitted to Advance ADA Claim: What Employers Need to Know

Insights

Jul 12, 2024

New York Employers Must Provide Paid Lactation Breaks: 4 Key Takeaways