



David M. Wissert

Partner
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Chair, Employment Practice

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David works closely with companies and their boards to resolve potentially explosive employment law issues before they escalate. He devotes a substantial part of his practice to advising corporate clients in the life sciences, financial services, and technology industries on all aspects of employment law.

A "trusted advisor" (*Chambers USA*), David is valued by clients for his counsel on ensuring compliance under federal and state law, as well as for his creative strategies in solving complex employment matters within the framework of their business goals. He is also highly sought after by boards of directors to act as special counsel in conducting internal investigations of C-suite executives in Fortune 200 companies. When employers are threatened by harassment, discrimination, and other employment-related claims, David brings to bear a track record of successful trial experience defending his clients in court.

Committed to community service, David was appointed Special Counsel to the Essex County Court Appointed Special Advocates. He is also a member of Community Hope Inc.

EXPERIENCE

- > Successfully defended a client and its portfolio company in an AAA arbitration against claims by the company's former CEO that the board of the portfolio company did not have "cause" to terminate his employment, as defined by his employment agreement, and that he was therefore entitled to certain compensation and benefits amounting to several million dollars upon termination.
- > Conducted a sensitive internal investigation of discrimination allegations made against a high-level human resources executive at a Fortune 200 company. Conducted the investigation at the request of the general counsel and reported findings directly to the client's chief executive officer.
- > Represented the New Jersey Defense Association as amicus in the case of *Maw v. Advanced Clinical*, in which the New Jersey Supreme Court agreed that terminating an employee who refuses to sign a noncompete agreement does not constitute a violation of the New Jersey Conscientious Employee Protection Act, reversing the New Jersey Appellate Division's decision and creating new law in this area.

HONORS & AWARDS

- > **Super Lawyers: New York Metro (2020)**
Recognized for work in Employment & Labor
- > **Chambers USA: America's Leading Lawyers for Business: (2008-2019)**
Recognized for work in Labor and Employment
- > **Super Lawyers (2012-2017)**
Recognized for Employment Litigation: Defense

NEWS & INSIGHTS

Publications

- > February 2019
"Honor and Protect," *The Financial Manager*
David M. Wissert, Amy Komoroski Wiwi
- > November 23, 2016
"Big News on the Wage and Hour Front," *Employment Counseling & Litigation Client Alert*

David M. Wissert, Julie Levinson Werner

> December 4, 2014

"Listening to Employees to Lessen Government Scrutiny," *New York Law Journal*

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In the Media

> February 1, 2019

David M. Wissert and **Amy Komoroski Wiwi**'s recent article in *The Financial Manager*, highlighting the steps employers can take to both prevent and address sexual harassment in the workplace as a result of the #MeToo Movement, was featured in **TVNewsCheck**. These steps include: examining the company culture, ensuring company policies are strong and widely communicated to all employees, providing training, conducting investigations when necessary, acting and communicating quickly, and considering an investment in employment practices liability (EPL) insurance policies to mitigate risk.

> September 7, 2018

TVNewsCheck notes **David M. Wissert**'s leading a panel discussion with **Amy Komoroski Wiwi** on the impact of the #MeToo movement and other employee law issues at MFM's **Media Outlook 2019**. The panel will provide attendees with the information and tools needed to implement policies and training programs that can lead to a positive culture in which all employees can contribute and thrive. **View Lowenstein's posting about this event.**

> August 21, 2018

The Media Financial Management Association's (MFM) **Multichannel News** announces **David M. Wissert**'s leading a panel discussion with **Amy Komoroski Wiwi** on the impact of the #MeToo movement and other employee law issues at MFM's **Media Outlook 2019**. The panel will provide attendees with the information and tools needed to implement policies and training programs that can lead to a positive culture in which all employees can contribute and thrive. **View Lowenstein's posting about this event.**

SPEAKING ENGAGEMENTS

> Speaker, **Lowenstein Sandler Spring Alumni CLE Day**, Lowenstein Sandler, Roseland, NJ, April 30, 2019

> Panelist, **Hispanic Bar Association of New Jersey 9th Annual Corporate Counsel Conference**, HBA-NJ, Newark, NJ, November 28, 2018

> Speaker, **#MeToo and Other Employment Law Issues**, Media Outlook 2019, New York, NY, September 12, 2018

> Presenter, **Sexual Harassment in the Workplace – What Can Your Company Do to Prevent It?**, Parsippany, NJ, May 15, 2018

> Presenter, **Workplace Conduct Investigations Breakfast Seminar**, Lowenstein Sandler Roseland Office - May 9 | Lowenstein Sandler NYC Office - May 10, May 9-10, 2018

> **Sexual Harassment in the Workplace – What Can Your Company Do to Prevent It?**, February 14, 2018 (New York Office) and February 15, 2018 (New Jersey Office)

EDUCATION

> University of Michigan Law School (J.D. 1994)

> University of Pennsylvania (B.A. 1991), American History, with Distinction; cum laude

ADMISSIONS

> New York

> New Jersey

> Pennsylvania