

Partner, New York

Labor and Employment Law; Artificial Intelligence



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Education

J.D., Cornell Law School, 1994
(*cum laude*)

B.A., University of Rochester, 1989
(*cum laude*)

Bar Admissions

New York
New Jersey
U.S. Supreme Court

Associations

Board Member, Legal Services NYC

David E. Schwartz serves as global head of the firm's Labor and Employment Law Group. He advises clients on a full spectrum of employment-related issues.

Mr. Schwartz regularly represents clients before state and federal administrative agencies and courts, as well as in arbitration proceedings. His litigation experience includes defense of retaliation, discrimination, wage/hour, breach of contract and fraud claims, including potential class actions. He also regularly represents clients in cases concerning the enforcement of restrictive covenants and breaches of fiduciary duties.

Mr. Schwartz often advises clients on non-litigation matters, as well as on a variety of ESG- and AI-related issues. In particular, he has worked with clients to:

- conduct internal investigations
- implement non-harassment policies
- create compensation programs
- negotiate employment and separation agreements
- negotiate collective bargaining agreements
- implement reduction-in-force plans

Mr. Schwartz also advises clients in connection with business transactions, including restructurings. His work in this area involves, among other things, the development and implementation of strategies to retain key executives and professionals.

Mr. Schwartz has represented a wide array of clients, ranging from new ventures to multinational corporations including, among many others, BlackRock, Inc.; BTG Pactual; Christie's Inc.; Citigroup Inc.; Credit Suisse; C.V. Starr & Co.; DaimlerChrysler AG; Deloitte LLP; Dresdner Bank AG; Duff & Phelps Corp.; DuPont; Fortress Investment Group; Home Box Office, Inc.; Jackson National Life Insurance Company; Kinetic Concepts, Inc.; Mars, Incorporated; Practising Law Institute; Rite Aid Corporation; UGL Limited; Valeant Pharmaceuticals; Van Cleef & Arpels, Inc.; Veritas Capital; and Virgin Mobile USA.

Mr. Schwartz has been selected repeatedly for inclusion in *Chambers USA: America's Leading Lawyers for Business* and *Best Lawyers in America*. He has been named as an Employment Trailblazer by the *National Law Journal* and a Labor and Employment Star in *Benchmark Litigation*, and has consistently been listed among the nation's leading corporate employment attorneys by Lawdragon and *Human Resource Executive*. Mr. Schwartz also regularly writes columns on labor and employment issues for the *New York Law Journal*.

Selected Publications

“Employment Flash,” *Skadden, Arps, Slate, Meagher & Flom LLP*, Recurring publication

“Privacy & Cybersecurity Update,” *Skadden, Arps, Slate, Meagher & Flom LLP*, Recurring publication

“Potential Private Sector Implications of the Supreme Court’s Affirmative Action Ruling,” *Skadden, Arps, Slate, Meagher & Flom LLP*, July 6, 2023

“AI and the Workplace: Employment Considerations,” *Skadden Insights*, June 2023

“Uncharted Territories: Unions Versus AI in the Workplace — a Legal Battle for the Future,” *New York Law Journal*, June 12, 2023

“Confidentiality Provisions Under Federal, State Scrutiny,” *New York Law Journal*, April 12, 2023

“Ninth Circuit Blocks California’s Ban on Mandatory Arbitration Agreements,” *Skadden, Arps, Slate, Meagher & Flom LLP*, February 16, 2023

“NLRB Developments: Expanded Remedies, Micro Units and More,” *New York Law Journal*, February 9, 2023

“FTC Proposes Broad Ban on Worker Noncompete Clauses,” *Skadden, Arps, Slate, Meagher & Flom LLP*, January 9, 2023

“Reductions in Force: Legal Do’s and Don’ts,” *Skadden’s 2023 Insights*, December 13, 2022

“SASH Act Targets Predispute Arbitration Agreements The Beginning of the End: Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021,” *New York Law Journal*, April 28, 2022

“Employment Law Considerations for ESG in Upcoming Proxy Season,” *New York Law Journal*, February 22, 2022

“Federal and New York City Workplace Vaccination and Testing Mandates: A Primer,” *Skadden’s 2022 Insights*, January 19, 2022

“Status of Recent Federal and NYC Workplace Vaccination and Testing Mandates,” *Skadden, Arps, Slate, Meagher & Flom LLP*, January 3, 2022

“Recent Changes And Updates to New York Laws,” *New York Law Journal*, December 13, 2021

“EEOC Guidance on Protections Against Employment Discrimination,” *New York Law Journal*, October 8, 2021

“Return-to-Office Update and Considerations for Employers,” *Skadden Insights – September 2021*, September 28, 2021

“Top Court Review: Computer Access, Union Taking, Vicarious Liability,” *New York Law Journal*, August 16, 2021

“Key Labor Considerations for Return-to-Office Plans,” *Skadden, Arps, Slate, Meagher & Flom LLP*, June 28, 2021

“Four Questions on Directors’ Minds as the World Returns to Work,” *Skadden, Arps, Slate, Meagher & Flom LLP*, June 16, 2021

“Updated EEOC COVID-19 Vaccination Guidance,” *New York Law Journal*, June 11, 2021

“Early Changes for Employers and Employees,” *Skadden Insights: Biden’s First 100 Days*, April 30, 2021

Selected Speaking Engagements

Speaker, “Potential Private Sector Implications of the Supreme Court’s Affirmative Action Ruling,” Skadden webinar, July 20, 2023

Speaker, “AI & the Workforce: IP, Employment and Privacy Considerations,” Skadden webinar, June 1, 2023

Speaker, “Reopening Your Business Post COVID-19: Emerging Legal, Compliance and Risk Issues,” SAI Global webinar, June 23, 2020

Speaker, “COVID-19: Employment and Cybersecurity Considerations,” Skadden webinar, March 17, 2020

Speaker, “Key Trends in Executive Compensation, Employment Law and Compensation Committee Practices,” Skadden webinar, February 5, 2019

Speaker, “Practical Approaches to Equal Pay Audits,” Skadden webinar, December 6, 2018

Speaker, “Equal Pay: Voluntary Disclosure, Activism and Litigation,” Skadden webinar, October 4, 2018

Speaker, “Key Trends in Executive Compensation, Employment Law and Compensation Committee Practices,” Skadden webinar, February 28, 2017