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**EMPLOYMENT LAW**

**National Capabilities and Recognition**

- We represent employers in litigation and provide counseling to resolve workplace issues and disputes.
- We have a diverse base of clients, from large corporations involved in telecommunications, transportation, and financial services, to mid-market and privately-owned companies.
- We represent clients in court and administrative venues throughout the U.S.
- Clients work closely with our trial and appellate lawyers whose skills have earned recognition from *Chambers USA*, *The Best Lawyers in America*, *Georgia Super Lawyers*, the College of Labor and Employment Lawyers, and other leading professional authorities.
- Decision-makers at companies we advise appreciate our direct approach that emphasizes service, trust, reliability, value, judgment, and unwavering dedication to their needs.

**DEEP EXPERIENCE AND STRENGTH IN LITIGATION**

Employment litigation involves high stakes and intense time pressures. That’s why Rogers & Hardin employment litigators are committed to direct and decisive action. When clients call, night or day, we respond promptly, and with straightforward advice from an experienced lawyer who doesn’t pass the response off to someone else.

Accountability and accessibility are our watchwords, as all clients get direct access to the lawyer who can solve their problems or answer their questions. We start trial preparation from day one, and senior partners are involved from start to finish in every type of employment controversy:

- Wage and hour and other compensation-related litigation
- Claims involving allegations of racial, religious, sexual, national origin, age, disability, and other types of discrimination, including wrongful termination and retaliation claims.
- Employment torts, including defamation and fraud, and breach of restrictive covenants.
- High-profile lawsuits by current or former professional staff against sophisticated professional services clients, including law firms and accounting firms.

**A FOCUS ON CLASS ACTIONS**

We particularly excel in class cases, collective actions, and other multi-party

litigation claims. Our lawyers mount a vigorous defense and often succeed in obtaining the denial of class certification and other limitations and narrowing of plaintiffs' claims. The goal, as in all our employment litigation, is a direct resolution that quickly and economically resolves claims and protects the interests of our clients.

In discovery, we use our special resources and skill at e-discovery and data management to prepare the case for successful resolution as efficiently as possible. At trial, we draw on the collective experience of our employment litigators to present the company's position clearly and concisely. Because our litigation partners are also experienced appellate lawyers, we can handle any appeal efficiently and cost-effectively. Our class action work involves:

- Wage and hour disputes under the Fair Labor Standards Act (FLSA) and state wage and hour laws.
- State and federal discrimination claims, including claims under the Age Discrimination in Employment Act (ADEA) and Title VII of the Civil Rights Act of 1964.

### A GROUND-BREAKING CLASS ACTION DEFENSE

- **Client:** A \$35 billion company
- **Issue:** Defense against a class claim of purported age discrimination following a substantial reduction in force.
- **Challenges:** The case was large and the stakes were high – the lawsuit was initially brought by class counsel on behalf of more than 3,000 former employees, seeking more than \$200 million in damages.
- **Outcome:** We brought a series of motions that produced favorable court rulings to dismiss the claims of approximately 80% of putative class members. Our trial strategy to handle the remaining claims led directly and quickly to a highly favorable settlement of the case.
- **Our approach and staffing:** Our skill at motion strategies to defeat class certification was the foundation for a groundbreaking new defense strategy that we developed while working with our consulting experts to handle the remaining claims. With the great majority of class claims already dismissed, plaintiffs' counsel faced dismissal of the rest of their case and the client was extremely pleased with the result. This important defense was led by two partners and one associate.

### ARBITRATION EXPERIENCE

Our lawyers have substantial experience in alternative means of dispute resolution

that can save clients time and money. We are experienced in formal ADR proceedings like arbitration and mediation, which are often required for resolving employment disputes. A number of our lawyers serve as arbitrators and mediators themselves, giving us the skill to represent employers in proceedings that involve:

- Privately-administered proceedings before the American Arbitration Association (AAA), JAMS, or similar arbitration forums.
- Self-regulatory bodies, such as securities broker-dealer disputes before panels of the Financial Industry Regulatory Authority (FINRA).

### **ROGERS & HARDIN'S TECHNOLOGY ADVANTAGE**

Our team is especially effective and efficient in conducting and managing electronic discovery, producing and reviewing electronic evidence, and using electronic evidence effectively. We combine technical sophistication and litigation skill to handle in-house the entire process of gathering, analyzing, and exploiting electronic files and data. Even in the millions of electronic documents that can be involved in class action litigation, we directly and efficiently identify a client's strongest position and marshal the information from e-mails, databases, and other electronic sources needed to support that position. It's an approach that includes:

- An experienced, internal information technology department with cutting-edge capabilities.
- The skill to handle file management and data production internally, resulting in substantial time and cost savings, as well as a wealth of experience with in-house and vendor electronic discovery experts, when the client's preference is to handle these tasks externally.
- Exceptional strength at statistical analysis, which is often central to the defense of class action litigation over claims of discrimination or wrongful termination.
- Unique capabilities to handle relational databases that contain employee time and payroll information, which is often critical in wage and hour collective or class actions.

### **OUR UNIQUE AND EFFICIENT STAFFING MODEL**

At Rogers & Hardin we take pride in providing the sophisticated legal counsel typical of larger law firms, while using small, partner-led teams of lawyers who focus on client goals, take the straightest path to a solution, and uncover value every step of the way. Each client works with a partner who can handle both the trial and the appeal. Associates are involved as needed, and they are fully committed to being part of a value equation that emphasizes:

- A lean staffing ratio that eliminates expensive staffing leverage.
- Efficiencies from the use of the latest technologies.
- 24/7 responsiveness and commitment.

### **COUNSELING CAPABILITY**

The best way to mitigate potential employment problems is to prevent them from arising. Our lawyers help clients develop and implement strategies that identify potential issues before they become workplace concerns. The goal is to develop personnel policies that meet all legal requirements and minimize the likelihood of employment-related claims and lawsuits.

We regularly write and speak on the latest developments in employment law to help keep clients up to date, and we offer practical guidance so they can deal with such sensitive issues as:

- Hiring practices and termination policies.
- Disciplinary issues involving everything from substance abuse to harassment.
- Reductions in force.
- Investigations or administrative actions by federal and state employment regulators.

### **SUMMARY: ROGERS & HARDIN'S DIRECT APPROACH TO EMPLOYMENT LAW**

Even the best-prepared employer may face an employment-related claim or lawsuit. If that happens, our lawyers are fully prepared to protect the employer's rights and competitive position. We are committed to a skilled, aggressive, but cost-effective defense that never loses sight of a client's business objectives. We resolve employment disputes nationwide, with the optimal combination of personal service and sophisticated, yet concrete advice.

### **RECOGNITIONS**

- 12 Rogers & Hardin Partners Recognized by Super Lawyers