



## Barbara E. Hoey

Partner

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### About

Whether addressing a single employee's complaint, defending against a sprawling class action, overseeing a sensitive investigation, or providing prompt, practical compliance advice, Barbara Hoey is an indispensable advisor, ally, and advocate for employers facing the toughest employment challenges.

Barbara is frequently called upon to protect her clients' interests in high-profile, high-stakes employment litigation where financial, reputational, and precedential concerns hang in the balance. She is known as a pragmatic yet tough employment litigator and savvy negotiator who can obtain optimal outcomes in the courtroom, at the negotiating table, or before a matter proceeds to litigation.

Barbara also understands that the best resolution to employment disputes is to prevent them from arising in the first place. She collaborates closely with her clients to develop compliance strategies designed to minimize the likelihood of litigation while best positioning them for a successful result should a claim ensue.

Demonstrably committed to protecting her clients' interests, Barbara is valued not only for her in-depth understanding of employment law, but also for her knowledge of her client's business, responsiveness, accessibility, and immediate, straightforward answers to their questions.

During her more than 30 years as a litigator, Barbara has litigated and won more than a dozen jury and bench trials involving claims arising under Title VII and the Americans with Disabilities Act (ADA), as well as the False Claims Act, Fair Labor Standards Act (FLSA), New York State Whistleblower Law, Family Medical Leave Act (FMLA), and the Age Discrimination in Employment Act (ADEA). She also litigates cases involving breach of non-compete contracts and theft of trade secrets. Barbara also regularly is called upon to investigate complaints of harassment, discrimination, and alleged wrongdoing by upper-level executives.

Barbara's industry experience is broad and deep, ranging from health care and telecommunications to finance, education, the non-profit sector, and beyond. In all cases, Barbara picks her battles strategically, avoiding inconsequential distractions and costly but immaterial disputes to focus on the issues and arguments that are outcome-determinative. She is aggressive when warranted, but open to compromise when advantageous to her clients' immediate and long-term interests, as she

knows that the best result is the outcome that works for her client.

Barbara's professional success has earned her consistent recognition in *Chambers USA: America's Leading Lawyers for Business* (2008–2023) as among the “best of the best,” where she is described as “extremely good at negotiating,” “tenacious,” and having a “laser-like focus.”

In her compliance counseling practice, Barbara works with her clients to develop comprehensive and workable strategies to address today's endless and evolving workplace issues, such as managing difficult termination decisions, policy design, handling lay-offs, and oversight of internal investigations.

Barbara is a frequent guest speaker on topics that range from harassment and workplace violence to litigation avoidance, preparedness, and trial strategy. A prolific writer and editor, Barbara serves as co-editor of [Labor Days](#), Kelley Drye's labor and employment law blog.

## Experience

Defeated a plaintiff's appeal to New Jersey's Appellate Division, solidifying our original victory of summary judgment in a case brought by a former employee, who alleged suffering from a learning disability and other cognitive impairments. The victory settled an important issue in disability discrimination law, namely that a plaintiff in a New Jersey LAD matter must present expert medical proof to establish that they have a disability.

Won a defense verdict for a hospital accused of terminating its director of risk management for whistleblowing.

Won a \$7.1 million verdict representing the plaintiff, a multinational corporation, asserting claims of breach of a non-compete contract and violation of the Lanham Act.

Defeated class certification in an action alleging violations of the New York Labor Law, brought on behalf of a putative class of over 400 nursing attendants.

Won a dismissal of a class action lawsuit alleging violations of the FLSA and New York State Labor Law.

Oversaw the reorganization of the senior staff of a major nonprofit organization, successfully negotiating severance packages for senior executives, layoffs, WARN notices and the employment agreements for incoming staff.

Coordinated the investigation of claims of gender discrimination and sexual harassment against a senior executive at a publicly traded consumer-products company, concluding with the resolution of the allegations.

Representing the medical school of a major academic medical center in New York in litigation brought by two tenured professors, challenging a university-wide salary policy.

Won summary judgment for the defendant in a lawsuit alleging sexual harassment and gender discrimination.

Won a summary judgment for the defendant in a lawsuit alleging disability discrimination and failure to accommodate, in violation of the ADA in the U.S. District Court for the Eastern District of New York.

Won a summary judgment for the defendant in an age discrimination lawsuit in the U.S. District Court for the Northern District of New York. The court also dismissed the plaintiff's claim for breach of contract.

Won a defense verdict after trial, dismissing a lawsuit alleging retaliation and violation of the New York Whistleblower Law.

Won a jury verdict for the defendant in a Title VII litigation matter in which the plaintiff alleged race discrimination, wrongful termination, racial harassment and retaliation.

Won a jury verdict for the defendant in a Title VII race/national origin discrimination litigation matter.

Won a jury verdict of \$1.00 in nominal damages in a federal sexual harassment litigation matter. Drafted the appellate brief to the Second Circuit in the successful appeal of the district court award of attorneys' fees to the plaintiff.

Won a jury verdict for the defendant in a federal civil rights/breach of contract action against the Yonkers School Board.

Won a summary judgment in the U.S. District Court for the Eastern District of New York for The WIZ in an FLSA litigation matter brought by a sales associate.

Won a summary judgment for the defendant in a sexual harassment litigation matter. The decision was affirmed by the Second Circuit.

Won a summary judgment for the defendant in an action brought by a group of professional employees under the FLSA seeking to challenge their exempt status.

## Honors

Barbara was selected for inclusion in 2018-2024 in the Employment Law, Management area as one of *The Best Lawyers in America*® (Woodward/White, Inc.). A description of the selection methodology can be found at [www.bestlawyers.com/methodology](http://www.bestlawyers.com/methodology).

She was selected for inclusion in the 2009-2011 and 2013-2023 New York *Super Lawyers* lists, issued by Thomson Reuters. A description of the selection methodology can be found at [www.superlawyers.com/about/selection\\_process.html](http://www.superlawyers.com/about/selection_process.html).

Barbara was listed in 2021-2023 in the Labor & Employment – Defense area by *US Legal 500*, a Legalease Publication. A description of the selection methodology can be found at [www.legal500.com/assets/pages/about-us/how-it-works.html#rank](http://www.legal500.com/assets/pages/about-us/how-it-works.html#rank).

She was selected for inclusion in 2008-2023 as a leading practitioner in the Labor & Employment area by *Chambers USA*. A description of the selection methodology can be found at [chambers.com/about-us/methodology](http://chambers.com/about-us/methodology).

*No aspect of these advertisements have been approved by the Supreme Court of New Jersey.*

## Affiliations

Editorial Advisory Board, *Employment Law 360*, member.

Corporate Circle–National Council for Research on Women, member.

## **Related Services**

Employment and Employee Benefits  
Labor and Employment Counseling and Compliance  
Employment Litigation  
Organized Labor and Labor Relations  
Employee Benefits and Executive Compensation  
Trade Secrets and Restrictive Covenants  
Fashion and Retail  
Technology  
Advertising Technology  
Cannabis

## **Education**

Fordham University School of Law, J.D., 1984

- cum laude

University at Albany–State University of New York, B.A., 1981

- magna cum laude

## **Admissions**

New York, 1985  
New Jersey, 2021

## **Courts**

U.S. Court of Appeals–Second Circuit  
U.S. Court of Appeals–Third Circuit  
U.S. District Court–Southern District of New York  
U.S. District Court–Eastern District of New York  
U.S. District Court–Northern District of New York