



Contact

Elise M. Bloom

Partner

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Elise M. Bloom is widely hailed as one of the nation's top employment lawyers and one of the most creative and effective wage and hour, class/collective action and trial lawyers. She is particularly well-known for handling high profile, bet-the-company matters on behalf of significant national employers.

Elise is the former co-chair of Proskauer's Labor & Employment Department, co-head of the Class & Collective Actions Group and a member of Proskauer's Executive Committee.

With 30+ years in practice, Elise possesses extensive pre-trial and jury trial experience as well as conducting high-profile investigations. She has represented more companies in class actions challenging interns, trainees and volunteers than most others; this includes her precedent-setting win for Fox Searchlight Pictures in the "Black Swan" case. She also addresses a wider range of general employment issues through counseling and employer training programs.

A noted author and speaker on employment-related topics, Elise spearheads Proskauer's annual [Value Insights: Delivering Value in Labor and Employment Law](#) survey. Elise has been recognized as one of the leading employment lawyers by several leading publications such as *Chambers USA*, *Legal 500*, *New York Law Journal* and *Employment Law360*, to name a few. She was recently recognized as

“Labor & Employment Management Attorney of the Year” at Benchmark Litigation’s 2020 US Awards EAST. She has also been named “Best in Labor & Employment” at *Euromoney’s* Women in Business Law Awards Americas in 2018, 2017, 2016 and 2014. A client recently told *Chambers USA*, “She’s incredible. She has an intensity about her work and she knows how corporations work. To watch her in litigation is magic.”

Matters

Representative Matters

- Represented more companies in class actions challenging interns, trainees and volunteers than any firm in the country, including the precedent-setting win in the “Black Swan” case, where we defended **Fox Searchlight Pictures**, and convinced the Second Circuit in July 2015 to adopt our positions in their entirety and reject the standards for determining “employee” status under the FLSA that were advocated by both the plaintiffs and the Department of Labor (DOL). Since no court had yet determined the standard for evaluating the legality of unpaid internships, the case raised questions of first impression. Elise argued that the court should adopt a “primary beneficiary” test, weighing the benefit to each intern against the benefit to the company, and that no class or collective could be certified under that standard. The precedent-setting winning argument, or “Glatt test,” was repeatedly cited by other firms in intern cases from this point on. In 2018, the DOL announced it was adopting this “primary beneficiary” test for determining whether interns are employees under the FLSA, abandoning the six-factor test previously used for many years. Additional clients include: **ICM Partners, Condé Nast, Barneys, Marvel Entertainment, Donna Karan, Marc Jacobs, Tory Burch, Sony Music, CBS, Gawker, Oscar de la Renta** and others.
- Represented **Major League Baseball (MLB)** in a putative class action suit brought by John Chen, who volunteered during “Fanfest”, conducted in connection with the 2013 MLB All Star Game, and subsequently sought wages for his volunteer service. Mr. Chen’s claim of wage violations under the FLSA was dismissed by the district court which was affirmed by the U.S.

Court of Appeals for the Second Circuit under the seasonal exempt to the FLSA.

- Scored a major victory for **Coca-Cola Refreshments USA, Inc.**, in a case brought by 16 employees at bottling facilities in New York claiming they faced racial discrimination and a hostile work environment, among other things.
- Earned a complete victory for **Condé Nast** and **Parade Publications** after the New York State Court of Appeals ruled, in a 4-3 decision, that the New York City and State Human Rights Laws (NYCHRL & NYSHRL) do not protect employees from discriminatory discharge if they neither live nor work in New York regardless of whether the challenged employment decision is made in New York. A victory for all New York-based employers with workers out of state, the case set the precedent that New York City and State Human Rights Laws do not protect employees from discriminatory discharge if they neither live nor work in New York, even if the allegedly discriminatory action occurred in New York State.
- Representing **Major League Baseball** (MLB) and **29/30 Major League Clubs** in a case brought by current and former minor league baseball players who allege minimum wage and overtime violations under the FLSA and the wage and hour laws of multiple states. Proskauer convinced the district court to certify its order regarding the FLSA collective for interlocutory appeal and has also successfully petitioned the Ninth Circuit to review the district court's FLSA and Rule 23 orders on class and collective certification.
- Represented **Sprint Corporation** in a purported national wage class action involving lifeline phones. Obtained summary judgment and dismissal of the case after significantly limiting any potential class to New York.

Practices

Labor & Employment, Class Actions, Wage and Hour, Trial Strategies, Higher Education and Title IX, Employment Litigation & Arbitration, Disability, Accommodations & Leave Management, Discrimination, Harassment & Title VII, Hiring & Terminations, White Collar Defense & Investigations

Industries

Sports, Technology, Media & Telecommunications, Financial Services, Health Care

Market Solutions

Corporate Governance

Education

Emory University School of Law, J.D., 1982

University of Chicago, B.A., 1979

With Honors

Admissions & Qualifications

New York

Georgia

Court Admissions

U.S. Supreme Court
U.S. District Court, New York, Northern District
U.S. Court of Appeals, Sixth Circuit
U.S. Court of Appeals, Fourth Circuit
U.S. Court of Appeals, Third Circuit
U.S. Court of Appeals, Second Circuit
U.S. Court of Appeals, Eleventh Circuit
U.S. District Court, New York, Western District
U.S. District Court, New York, Southern District
U.S. District Court, Georgia, Southern District
U.S. Court of Appeals, Seventh Circuit
U.S. District Court, Georgia, Northern District
U.S. District Court, Georgia, Middle District
U.S. Court of Appeals, Tenth Circuit
U.S. District Court, New York, Eastern District
U.S. District Court, Michigan, Eastern District
U.S. District Court, Connecticut
U.S. District Court, Colorado
U.S. Court of Appeals, Ninth Circuit

Memberships

American Bar Association
New York State Bar Association
State Bar of Georgia
Federal Bar Council
Litigation Counsel of America (Fellow)

Awards & Recognition

Lawdragon 500 Leading U.S. Corporate Employment Lawyers 2020
Benchmark Litigation: Labor & Employment Management Attorney of the Year 2020
Law360: Employment MVP of the Year 2015
Chambers USA
Crain's Notable Women in Law 2018
The Legal 500 United States: Leading Lawyer 2017-2020
The Legal 500 United States: Sports 2018, 2020

The Legal 500 United States: Supreme Court and Appellate 2014-2015

The Legal 500 United States: Labor & Employment: Labor & Employment Litigation 2009-2014

The Legal 500 United States: Labor & Employment: Labor & Employment: Disputes (incl. Collective Actions): Defense 2019-2020

The Legal 500 United States: Labor & Employment: Labor Management Relations 2019

The Legal 500 United States: Labor & Employment: Workplace & Employment Counseling 2007, 2016, 2018-2020

Lawdragon & Human Resource Executive Top 100 Most Powerful Employment Attorneys 2010-2019

New York Law Journal: Top Women in Law 2016

Benchmark Litigation's Top 250 Women Litigators in America 2016-2021

Benchmark Litigation Litigation Star 2018-2021

Benchmark Labor & Employment Stars 2019

Euromoney Americas Women in Business Law Awards Labor & Employment 2014, 2016-2018

Benchmark Litigation Local Litigation Star – New York 2015-2017

Best Lawyers in America 2008-2021

New York Super Lawyers 2010-2020

Burton Award for "Distinguished Legal Writing" 2009, 2013

Lawdragon "3000 Leading Lawyers in America" 2010

New York Super Lawyers Top 50 Female Lawyers 2010

Guide to the World's Leading Labour & Employment Lawyers

Fellow, College of Labor & Employment Lawyers

Fellow, American Bar Association

"Top 50 Women," New York Metro Super Lawyers, 2019-2020