

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 discrimination, wage and hour, class/collective action trial lawyers. She is particularly well-known for handling high profile, bet-the-company matters on behalf of significant national employers.

With 30+ years in practice, Elise possesses extensive pre-trial and jury trial experience as well as conducting high-profile investigations. She is a leading authority in class action litigation involving non-traditional workers—including interns, trainees, volunteers, and other contingent or entry-level personnel. She secured a landmark, precedent-setting victory for Fox Searchlight Pictures in the high-profile "*Black Swan*" case. Elise also handled several other precedent-setting cases, including *Hoffman v. Parade Pubs*, *Doe v Bloomberg, L.P*. Court of Appeals, *Hamby v. WNBA, LLC*, and *Chen v. Major League Baseball*.

A noted author and speaker on employment-related topics, Elise spearheads Proskauer's annual *Value Insights: Delivering Value in Labor and Employment Law s* urvey. 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.
- Following more than nine years of litigation and shortly before the start of an anticipated months-long trial, settled one of the largest wage and hour class and collective action lawsuits brought by minor league baseball players against **Major League Baseball (MLB)** and 22 of its member Clubs in the Northern District of California. Plaintiffs alleged that minor league baseball players were misclassified as exempt from federal and state minimum wage

and overtime laws, in addition to bringing a number of derivative claims. The district court granted final approval of the settlement at the end of March 2023. The settlement established a $185 million gross settlement fund in exchange for a comprehensive release of wage and hour claims by a settlement class of approximately 24,000 current and former minor league baseball players. The settlement fund was a fraction of the potential exposure the clients faced at trial.

- 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.
- 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 & Collective Actions, Wage and Hour, Trials, Higher Education and Title IX, Employment Litigation, Disability, Accommodations & Leave

Management, Discrimination, Harassment & Title VII, Reductions In Force, Hiring & Terminations

Industries

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

Market Solutions

Corporate Governance

Education

Emory University School of Law, J.D.
University of Chicago, B.A.
With Honors

Admissions & Qualifications

New York
Georgia

Court Admissions

Supreme Court of the United States
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

The Legal 500 United States: Labor & Employment: Labor & Employment: Disputes (incl. Collective Actions): Defense 2019-2026 (Hall of Fame 2024-2026)

Chambers USA: New York: Labor & Employment, 2026

Benchmark Litigation Top 250 Women Litigators in America 2016-2025

Benchmark Litigation Litigation Star 2018-2026

Benchmark Litigation Top 50 L&E Litigator 2024-2026

Benchmark Litigation Labor & Employment Stars 2019-2024

Benchmark Litigation Top 20 Trial Lawyers: Labor & Employment 2021

Benchmark Litigation Labor & Employment Management Attorney of the Year 2020

Best Lawyers in America 2010-2027

Chambers USA: New York: Labor & Employment 2022-2025

Chambers USA: Nationwide: Sports Law 2025-2026

Crain's New York, Notable Women in Law, 2018, 2023

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

Law360 MVP Employment 2015

Lawdragon 500: Leading U.S. Corporate Employment Lawyers 2020-2025

Lawdragon “3000 Leading Lawyers in America” 2010

The Legal 500 United States: Hall of Fame 2022-2023

The Legal 500 United States: Leading Lawyer 2017-2021

The Legal 500 United States: Sports 2018, 2020, 2024

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 Management Relations 2019

The Legal 500 United States: Labor & Employment: Workplace & Employment Counseling 2007, 2016, 2018-2022

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

National Council of Jewish Women New York “Woman Who Dares Award” 2025

New York Law Journal: Top Women in Law 2016

New York Super Lawyers 2008-2023, 2025

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

New York Super Lawyers Top 50 Female Lawyers 2010

Sports Business Journal: Game Changers: Women in Sports Business 2021

Sports Business Journal: Power Players: Outside Counsel 2021

Burton Award for "Distinguished Legal Writing" 2009, 2013

Fellow, College of Labor & Employment Lawyers

Fellow, American Bar Association