



HERBERT  
SMITH  
FREEHILLS



## **BARBARA ROTH**

PARTNER

[New York](#)

Barbara is a partner in the firm's employment litigation practice, representing clients across a range of sectors on all aspects of employment law.

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## **BACKGROUND**

Barbara received a B.A., magna cum laude, from the University of Illinois at Urbana-Champaign, a J.D. from DePaul University College of Law, and an LL.M. from New York University School of Law.

## **KEY SERVICES**

[Employment](#)  
[Employment Litigation](#)

## **KEY SECTORS**

[Banks and other Financial Institutions](#)  
[Consumer](#)

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## **EXPERIENCE**

Drawing on decades of experience working with multinational companies, including many in the financial services sector, Barbara advises employers on every aspect of the employment relationship.

A skilled and strategic litigator, Barbara has built a successful career representing clients in federal and state courts and in arbitrations. She counsels and defends companies in a wide range of industries on challenges including discrimination/harassment and retaliation claims (including class actions), restrictive covenant disputes, team-poaching lawsuits, whistleblower claims, litigation involving employment contracts, and in the arbitration of employment-related disputes before the Financial Industry Regulatory Authority (FINRA) and the American Arbitration Association (AAA). She advises boards of directors on how to handle difficult employment problems and counsels senior management on best practices and litigation avoidance.

Barbara's successes on behalf of clients include:

- obtaining an injunction and money damages after a competitor "poached" a team of traders who had stolen a company's proprietary materials;
- obtaining summary judgments on behalf of many corporate defendants who were charged with discrimination, harassment and/or retaliation by current and former employees;
- the defeat of class certification in a putative nationwide race-discrimination class action, followed by money judgments against each named plaintiff;
- the successful defense at both the district court and the circuit court of an ERISA claim that would have given the plaintiffs a windfall under a pension plan; and
- the litigation of the unforeseeable business circumstances exception to the federal plant-closing law (WARN).

## **BAR ADMISSIONS AND QUALIFICATIONS**

Illinois

New York

## **COURT ADMISSIONS**

U.S. Court of Appeals, 2nd Circuit

U.S. District Court, Eastern District of Wisconsin

U.S. District Court, Eastern District of New York

U.S. District Court, Northern District of New York

U.S. District Court, Southern District of New York

U.S. Supreme Court

## **ACCOLADES**

Barbara has been featured by New York Super Lawyers for *Employment Litigation: Defense*, each year from 2006-2017

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