

Jay W. Waks

Jay W. Waks is partner in the Litigation Department of Kaye Scholer LLP in New York and chair of its Employment & Labor Law Practice where he works closely with its offices in Los Angeles, Washington, Chicago, Palm Beach, Asia and Europe on domestic and international employment and labor matters of the firm's corporate clients.

Jay has 34 years of experience, all at Kaye Scholer, representing a wide range of US and international companies in litigation in federal and state courts (especially class and collective actions) and other matters affecting their business interests in the US and abroad, in virtually every industry including high-tech. He concentrates on complex litigation of fair labor standards, employment rights, discrimination and benefits claims, SOX and other whistleblower retaliation; collective bargaining and related matters; formulation of employment policies; executive employment, termination, restrictive covenant and benefits forfeiture matters; workplace investigations; outsourcing and e-commerce matters; resolution of employment law and benefits problems in corporate reorganizations and workforce reductions; preventive employee relations programs; and international labor and employment matters. Jay practices before the NLRB, EEOC and securities exchanges, and is a recognized leader in arbitration and other alternatives to litigation ("ADR") of employment and business disputes.

Jay is a Fellow of The College of Labor and Employment Lawyers, Fellow of the ABA Foundation, elected Member of The American Law Institute and Advisor to ALI's Restatement of the Law, Third - Employment Law. He is General Counsel and Board and Executive Committee member of Legal Momentum (new name of NOW Legal Defense & Education Fund), a member of the Executive Committees of the CPR International Institute for Conflict Prevention & Resolution (CPR Institute) and of the Federal Bar Council, and a director of the Federal Bar Foundation. For nearly two decades, he has chaired CPR's Employment Disputes Committee, leading a tri-partite panel of nationally prominent plaintiffs' and defendants' lawyers in private practice and corporate law departments, neutrals and academics in designing cutting-edge alternatives to resolve discrimination and other workplace disputes.

Jay is among the #1-rated NY Employment lawyers in annual *Chambers USA* surveys for 2006, 2005, 2004 and 2003, and is described as being the "knowledgeable, responsive and practical" head of a "highly regarded" group of Employment lawyers (Chambers 2006-2007). His Employment group is considered to be "high-powered" and respected for the defense of discrimination class actions (Chambers 2004-05), is rated a "powerhouse" with a reputation for "high-quality" work (Chambers 2005-06), and is called upon by companies to defend against future losses of big money employment cases (American Lawyer, 2004), and has been given highest marks in terms of "service, quality and value" (American Lawyer, 1995, based on its poll of in-house counsel).

Jay also has been named among "The New York Area's Best Lawyers," published in the July 3-10, 2006 and Aug. 1-8, 2005 supplements of *New York Magazine*, named among the ten "Employment Litigation: Defense" lawyers selected by "New York Super Lawyers 2006-Manhattan Edition" (supplement to *The New York Times*, July 18, 2006), and described in *New York Magazine* ("The Best Lawyers in New York" March 28, 1995) as being among "100 of New York's most effective attorneys, as judged by a jury of their peers," and among the seven leading "Labor and Employment" lawyers who represent corporate clients. *The National Law Journal* (1992) named him "Among Nation's Best Litigators in Employment Law - A National Who's Who of the Top Lawyers in Employment Law."

Jay has been profiled by *The American Lawyer* (Nov. 2002) in its "Top of the Docket" column in regard to his success in a high profile public sector case, and the *New York Law Journal* cited his noteworthy dismissal of an alleged whistleblower retaliation claim under the Sarbanes-Oxley Act. Some of his more recent accomplishments include the cutting-edge dismissal of a nationwide FLSA collective action arbitration against a financial services client, the unprecedented dismissal of a NLRB unfair labor practice complaint that saved his telecommunications client well over \$80 million, the resolution and dismissal of federal court litigations asserting a nationwide FLSA collective action against a movie production client and a racial discrimination class action against a beverage industry client, and his leadership of a team that won a \$700 million victory in an interest arbitration.

Before the United States Supreme Court, Jay represented the American Arbitration Association as *amicus curiae* in *Circuit City Stores v. Adams* (2001) and the CPR Institute as *amicus curiae* in *Gilmer v. Interstate/Johnson Lane* (1991), in which the Supreme Court upheld, respectively, the enforcement of employment arbitration contracts and the arbitrability of workplace bias claims, adopting substantive points made in the *amicus* briefs.

Jay is a former chairman of the Committee on Labor & Employment Law of the Association of the Bar of the City of New York, a sustaining member of the Federal Bar Council, a member of the ABA and the state bar associations of New York and California (assoc. member) and former chair of the Work in America Institute. In 2006, the NYS Bar Association president appointed Jay to a blue-ribbon panel, the Special Committee on Age Discrimination in the Profession.

Jay is a 1968 graduate of Cornell's School of Industrial and Labor Relations where he served as Co-Editor-in-Chief of the *ILR Forum*, a magazine that published scholarly articles by graduate and undergraduate ILR students. He received his J.D. in 1971 from the Cornell Law School where he was an editor and officer of the *Cornell Law Review*. Following law school, Jay served as a judicial law clerk to Federal District Judge Inzer B. Wyatt of the United States District Court for the Southern District of New York. He joined Kaye Scholer LLP (then called Kaye, Scholer, Fierman, Hays & Handler) in 1972. Jay is admitted to practice law in New York State, and before the United States Supreme Court, the U.S. Court of Appeals for the Second, Third and D.C. Circuits and the U.S. District Courts in the Northern, Southern and Eastern Districts of New York.

Jay is active in a number of leadership positions at his *alma mater*, Cornell University. He is Chair of the Cornell University Council, the first ILR alumnus to serve in that capacity, Chair of Cornell Law School's Advisory Council (former National Chair, CLS Annual Fund), and a member of the Advisory Council of Cornell's ILR School. He has been recognized for his support of the diversity and scholarship efforts of the Cornell Black Alumni Association, as well.

Jay and Harriet, his wife of 37 years, reside in Larchmont, NY. They have a son, Jonathan (Yale '04, Harvard Med. School '08), and they are current ILR parents -- daughter Allison ('08) is an ILR undergraduate who also is pursuing Mandarin and China studies at Cornell.

One of Jay and Harriet's passions at the ILR School is International Programs which led them to establish *The Waks Family Fund for International Education and Research* at the School. This fund is intended to "enhance ILR's visibility in the international arena and expand its collective understanding of the globalization of work as a critical path towards worldwide economic and human development." At the Law School, they created the *Harriet S. and Jay W. Waks Scholarship Fund*. More information about Jay, and about the *Waks Family Fund* can be found on the ILR School's International Programs site at:

http://www.ilr.cornell.edu/international/news/061505_JayWaks.html

<http://www.ilr.cornell.edu/international/profiles/JayWaks.html>

<http://www.ilr.cornell.edu/international/HelenYang.html>

<http://www.news.cornell.edu/stories/July06/ILR.credit.intern.China.SS.html>

Cornell Law Forum (pdf)

http://www.ilr.cornell.edu/international/profiles/upload/Waks_CornellSpring2004%20Forum.pdf