

Rob Thorpe

Partner

Syracuse
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Education

- Tulane University Law School, *The Sports Lawyers Journal*, Editor-in-Chief, JD
- Le Moyne College, BS

Practices & Industries

- Labor & Employment
- Commercial Litigation & Complex Trials
- Hotels, Hospitality & Food Service

Admitted to Practice

- New York

Court Admissions

- US Court of Appeals for the Second Circuit
- US District Court for the Eastern District of New York
- US District Court for the Eastern District of Wisconsin
- US District Court for the Northern District of Illinois
- US District Court for the Northern District of New York
- US District Court for the Southern District of New York
- US District Court for the Western District of New York

Biography

Rob counsels and represents employers in all types of labor and employment matters, including, issues concerning workplace discrimination, harassment, and retaliation; hiring and termination strategies; employee benefit programs; and wage-and-hour matters.

Rob handles state and federal department of labor audits and investigations and litigates employment-related matters in federal and state courts and before the US Equal Employment Opportunity Commission and the NYS Division of Human Rights. In addition, he counsels clients on a variety of business issues, including employment agreements, restrictive covenants (confidentiality, noncompetition, and nonsolicitation agreements), employee handbooks and related policies, settlement and separation agreements, employee theft and misappropriation of trade secrets, and general compliance with labor and employment laws.

Rob counsels businesses on website accessibility compliance, and he frequently defends clients in lawsuits brought in federal and state courts under the Americans With Disabilities Act and the NYS Human Rights Law. He serves as a go-to resource on website accessibility lawsuits and has been featured as a guest on *Barclay Damon Live: The Labor & Employment Podcast* and has been interviewed on this topic by several national and local publications. Rob also frequently authors thought leadership pieces on the plaintiffs that bring these matters in state and federal courts.

Rob also represents individuals and businesses in a variety of commercial litigation matters, and he regularly provides counsel to not-for-profit institutions, including health care, higher education, and child care clients, in matters involving regulatory compliance, contract disputes, disciplinary issues, government investigations, and tort actions.

In addition to his practice, Rob serves as the firm's hiring partner.

Bar Associations

- Onondaga County Bar Association, Former Board Member
- Northern District of New York Federal Court Bar Association, Former Public Relations and Membership Committee Member

Representative Experience

- Regularly provides counsel and litigation support to employers regarding restrictive covenants and trade-secret-misappropriation disputes.
- Frequently provides training and education seminars to employers on a variety of labor and employment issues.
- Counseled multiple employers in connection with pending or threatened website-accessibility litigation under the Americans With Disabilities Act, the NYS Human Rights Law, the NYS Civil Rights Law, and the NYC Human Rights Law.
- Obtained pre-answer dismissal of breach of contract, tortious interference, intentional infliction of emotional harm, and defamation claims brought against a not-for-profit corporation, its board of directors, and two of its employees.
- Negotiated a comprehensive executive-employment agreement for a not-for-profit organization.
- Represented a municipality in arbitration concerning an employee disciplinary matter involving workplace violence.
- Obtained numerous no probable cause determinations for employers in the defense of discrimination, retaliation, and harassment claims before the NYS Division of Human Rights.
- Obtained summary judgment in favor of an employer and two individual defendants in an alleged age-discrimination and retaliation case, and subsequently prevailed on appeal to the US Court of Appeals for the Second Circuit.
- Obtained summary judgment in favor of an employer in an alleged disability discrimination case.
- Obtained a no probable cause determination for a public university in an alleged race and national origin discrimination case before the NYS Division of Human Rights.
- Representing a not-for-profit rural health care enterprise in restructuring and corporate governance matters.

Prior Experience

- Hancock Estabrook, LLP, Associate

Selected Community Activities

- Le Moyne College Dolphin Athletic Association, Former President, Vice President, and Outreach Committee Chair
- Onondaga County Volunteer Lawyers Project, Volunteer Attorney
- Sedgwick Farm Tennis Club, Board Member

Selected Honors

- *The Best Lawyers in America*®: Commercial Litigation, 2026 and 2027; Litigation – Labor and Employment, 2026 and 2027
- Selected to *Super Lawyers* Upstate New York: Employment & Labor, 2023–2026
- *Best Lawyers: Ones to Watch in America*®: Commercial Litigation, 2023–2025; Labor and Employment Law – Management, 2023–2025
- Selected to *Super Lawyers* Upstate New York Rising Stars: Employment & Labor, 2019–2022
- New York State Bar Association, Empire State Counsel Honoree, 2013
- CALI Excellence for the Future Award: Employment Discrimination, 2010

Selected Speaking Engagements

- NY Medical Group Management Association Medical Practice Leaders Conference, “Employment Law: Current Hot Topics and Risks to Your Practice”
- Oryx Insurance Risk Management Conference, “Termination of Employees on Medical Leave”
- Accounting & Financial Women’s Alliance, “Employment Law 101”
- YMCA Human Resources Forum, “Sexual Harassment Update”
- Associated Builders & Contractors, Inc., “Common Employer Misconceptions”

Selected Media

- *Milwaukee Journal Sentinel*, "A Visually Impaired Woman Is Suing Anodyne, Koss Over Their Websites. Critics Think It's a Money Grab."
- *Wall Street Journal*, "The Law Firm Hitting Businesses With Thousands of Disability Suits"
- News 12 Brooklyn, "Blind Man Sues Prospect Heights Business, Claims It Violates Americans With Disabilities Act"
- *NY Daily Record*, "ADA Tester Case Dismissed by US Supreme Court"
- *NY Daily Record*, "ADA Accessibility Lawsuit Reaches the Supreme Court"
- *The Economist*, "An Explosion of Lawsuits Is Not Making Websites More Accessible"
- MJBizDaily, "ADA Compliance Experts Offer Tips to Make Cannabis Websites Accessible"
- *Sports Lawyers Journal*, “Way Out in Left Field: *Crespin v. Albuquerque Baseball Club* Rejects Nearly 100 Years of American Jurisprudence by Declining to Adopt the Baseball Rule in New Mexico”

Selected Alerts & Blog Posts

- Website Accessibility Lawsuits: Several "Tester" Plaintiffs—Katherine Corbett, Judith Pelaez, Sumaya Hussein, Daniel Barlow, and William Odonnell—Targeting Businesses in Recent Flurry of Lawsuits
- Website Accessibility Lawsuits: Several "Tester" Plaintiffs—Cortel Fleurima, Chelsie Reid, Elias Alshabbi, and Jason Lawrence—Targeting Businesses in Recent Flurry of Lawsuits
- Amendment to the New York Trapped at Work Act Provides Employers With Clarity and Time to Comply
- New York State Enacts the Trapped at Work Act to Prohibit "Stay or Pay" Agreements
- Website Accessibility Lawsuits: Several "Tester" Plaintiffs—Milagros Senior, Sylinia Jackson, Edery Herrera, Henry Tucker, and Carlton Knowles—Targeting Businesses in Recent Flurry of Lawsuits

Selected Podcasts

- *Barclay Damon Live: Labor & Employment Podcast*—"Navigating Website Accessibility Laws: What Every Employer Must Know"

- *Barclay Damon Live: Labor & Employment Podcast*—"ADA Accessibility: Is Your Website Compliant? With Rob Thorpe"