



## → Adam R. Rosenthal

### Partner

12275 El Camino Real  
Suite 100  
San Diego, CA 92130

T: +1.858.720.7480

F: +1.858.523.6799

[arosenthal@sheppardmullin.com](mailto:arosenthal@sheppardmullin.com)

Adam Rosenthal is a partner in the Labor and Employment Practice Group in the firm's Del Mar (San Diego) and Los Angeles offices. Adam is widely regarded as one of the go-to defense-side employment litigators in California, representing employers in class and representative actions, single plaintiff lawsuits, and trade secrets disputes.

### Areas of Practice

Adam's national practice focuses on all areas of employment law, with an emphasis on high-stakes employment litigation. He represents employers in a variety of employment disputes in federal and state courts across the US and arbitration forums. Adam is an AV Preeminent® rated attorney and has been recognized for his exemplary client services as a BTI Client Service All-Star®. Adam has authored two employment law books, is the co-editor of a bi-monthly employment law journal, and lectures throughout the country to attorneys, human resources professionals, and managers.

Adam and his team specialize in the following areas:

### *Employment Litigation and Trial Work*

Adam is an experienced and accomplished trial attorney. He has successfully tried multiple jury trial, bench trials, and arbitrations. Over his career as a litigator, Adam has represented employers of all sizes, in the full spectrum of litigation from "bet the company" lawsuits to more routine employment disputes. He is regularly asked by clients to take over existing cases before trial from other law firms, where Adam and his team offer fresh perspectives in order to achieve the client's litigation objectives.

Adam has considerable experience representing clients in complicated wage and hour class actions and California Private Attorney General Act ("PAGA") lawsuits, involving a host of wage and hour claims, including minimum and overtime violations, meal and rest periods, off-the-clock work, reimbursements, independent contractor and exemption misclassification, and unfair competition. He has also represented clients nationwide in class actions involving claims under the FLSA, national origin and gender discrimination, and the Fair Credit Reporting Act. Adam and his team have successfully defeated multiple motions for class certification and have negotiated over 125 favorable class action settlements, saving his clients hundreds of millions of dollars in potential liability.

Adam has represented employers in thousands of single plaintiff lawsuits, involving virtually every area of employment law, including claims of discrimination, harassment, retaliation, whistleblower, defamation, and wage and hour. Adam's considerable courtroom experience allows him to efficiently litigate cases, finding

opportunities to dispose of many of his cases early in the litigation without clients incurring unnecessary attorneys' fees. And when clients prefer a more aggressive strategy, or plaintiff or opposing counsel make early resolution difficult, Adam and his team are skilled trial lawyers who relish the opportunity to take cases to trial.

### ***Disputes with Corporate Executives***

Adam is regularly engaged by clients to represent them in complicated disputes with former C-level executives (CEOs, CFOs, GCs, etc.), in both pre-litigation severance negotiations and active litigation. Because these disputes often involve complex contractual and financial issues, including claims related to equity, stock options, carried interest, and severance, Adam and his team are well-versed in the interplay between corporate and employment law.

### ***Advice and Counseling***

In addition to representing clients in litigation, Adam has considerable experience counseling US and multi-national clients on employment law compliance. Adam advises his in-house counsel, senior executives, and human resources professionals on complicated personnel issues, employment policies, and trade secrets/misappropriation concerns. He also serves as outside general employment counsel for several US and foreign companies—where he advises his clients' executives on an array of employment law issues. Adam is passionate about creating collaborative relationships with his clients, helping them achieve compliant, innovative, and cost-effective HR solutions.

### ***Government Investigations and Adversarial Proceedings***

Adam is regularly retained by clients to represent them before federal and state agencies, including the Department of Justice, the Department of Labor, the Equal Opportunity Employment Commission, the California Civil Rights Department, and the California Labor Commissioner. He has achieved favorable results helping clients navigate government investigations and adversarial proceedings.

### ***Mergers and Acquisitions***

Adam works closely with his corporate and M&A partners at Sheppard Mullin in advising clients on labor and employment issues related to deal work. Adam and his team advise clients on potential employment law issues associated with a merger or acquisition of another company as well as the onboarding of new employees.

### ***Speaking and Writing***

Adam frequently lectures on employment law issues to in-house legal departments, frontline managers, trade associations, and business and HR groups. He is a regular featured speaker at the Society of Human Resources Management's ("SHRM") annual conference, speaking to HR professionals on a variety of cutting-edge employment law topics.

Adam is the author of *Managing Employees Without Fear: How to Follow the Law, Build a Positive Work Culture, and Avoid Getting Sued* (Society for Human Resource Management; ISBN: 1586446649), and the co-author of the *Employer's Guide to COVID-19 and Emerging Workplace Issues* book (Castle Publications, LLC; ISBN: 978-1-940747-61-3). Adam is also a Co-Editor of the California Labor and Employment ALERT, a bimonthly newsletter that provides HR professionals and attorneys in-depth analysis of recent case law, statutes, and regulations impacting employers in California and across the United States.

## ***Education and Other Activities***

While in law school, Adam served as the only student member of the University of California Board of Regents, where he championed student rights, affordability, and environmental issues on behalf of more than 250,000 University of California students. Prior to law school, he taught middle school History and English in Oakland, California as part of the Teach For America program. Adam is the immediate past Board Chair for the San Diego Region of the ADL—a leading civil rights organization. Adam is also on the Board of Directors of the Jewish Family Service of San Diego.

## **Honors**

Client Service All-Star, *BTI Consulting*, 2020

San Diego Rising Star, *Super Lawyers*, 2017-2019

*Legal 500*, Labor and Employment, 2017

AV Preeminent® Rated, Martindale-Hubbell

## **Articles**

- New California Law Makes It Easier for Employees to Establish Retaliation Claims  
*Society for Human Resource Management*, 11.27.2023
- Putting Your Litigation Story Into Action  
*Corporate Counsel*, 12.01.2017
- How to Prepare Your Company's Litigation Story  
*Corporate Counsel*, 11.30.2017
- How to Prepare: The Nuts and Bolts of Creating a Litigation Story  
*Corporate Counsel*, 11.29.2017
- What Is a Litigation Story? Advice for GCs Preparing Their Company's Litigation Strategy  
*Corporate Counsel*, 11.28.2017
- Talking Implicit Bias at Work  
*Daily Journal*, 07.29.2016
- 3 Ways To Approach Class Waivers In Employment Agreements  
*Law360*, 06.16.2016

## **Labor & Employment Law Blog Posts**

- "Will the California Supreme Court Put the Heads Back on Headless PAGA Suits?," June 4, 2025
- "PAGA Plaintiffs Cannot Avoid Arbitration by Bringing a 'Headless PAGA Lawsuit'," January 22, 2025
- "New California Law Makes It Easier for Employees to Establish Retaliation Claims for Alleged Labor Code Violations," November 20, 2023
- "Overview of Recent Updates for Employers in the Commercial Trucking Industry," May 28, 2020
- "The Cost and Burden of Discovery for California Employers Will Likely Increase in 2020," January 27, 2020

## Books

Managing Employees Without Fear: How to Follow the Law, Build a Positive Work Culture, and Avoid Getting Sued

05.18.2021

Employer's Guide To COVID-19 And Emerging Workplace Issues: Year 2

02.2021

Employer's Guide To COVID-19 And Emerging Workplace Issues (Over 690 pages)

04.21.2020

## Media Mentions

Ensure Discipline Is Well-Documented

*Society for Human Resource Management*, 06.14.2022

## Events

California Labor & Employment Law Update

Virtual, 05.07.2025

SHRM Annual Conference & Expo 2024

Chicago, IL, June 23-26, 2024

SHRM Annual Conference & Expo 2023

Las Vegas, NV, June 11-14, 2023

SHRM Annual Conference & Expo 2022

New Orleans, LA, June 12-15, 2022

Managing Employee Risk in Your Hybrid Workplace

Webinar, 03.17.2022

SHRM Annual Conference & Expo 2021

How To Prevent Your Employees from Suing Your Company: A Candid Conversation About What Leads Disgruntled Employees to Become Plaintiffs and What HR Can Do to Prevent this from Happening

Las Vegas, Nevada, 09.11.2021

Walking the Tightrope: How to Build a More Diverse and Inclusive Workforce While Remaining Legally Compliant

08.18.2021

Returning to the Office: *The Legal Requirements and Practical Considerations Employers Must Consider in the "New Normal"*

Webinar, 06.30.2021

Navigating COVID-19 Employment Issues In & Out Of The Office

Webinar, 11.19.2020

Litigation Avoidance and COVID-19: What Hotel Owners and Operators Can Do Now to Avoid Employment and Premises Liability Lawsuits  
Webinar, 06.23.2020

Health and Safety Legal Considerations for COVID-19  
Webinar, 05.26.2020

COVID-19 and the Law: What Companies Need to Know About The \$2.2 Trillion Stimulus Package  
Webinar, 04.03.2020

Coronavirus & The Workplace: What Every Employer Needs to Know  
Webinar, 03.23.2020

Labor & Employment Law Update & Happy Hour - San Diego  
Fall 2019  
Hyatt Regency La Jolla, 10.17.2019

Third Thursday Emerging Company Webinar Series  
Ten Employment Law Mistakes Every Startup Should Avoid  
Via GlobalMeet, 02.21.2019

Labor & Employment Law Update & Happy Hour - San Diego  
Fall 2017 Seminar Series  
11.02.2017

Breakfast With Your Labor Lawyer - San Diego  
Spring 2017 Seminar Series  
04.26.2017

## Memberships

Member Emeritus, Board of Regents, University of California  
Member, Board of Directors, Anti-Defamation League (ADL), San Diego Region  
Former Member, Executive Committee, Board of Directors, Hillel of San Diego

## Podcasts & Webinars

Nota Bene Podcast Episode 128: What Managers Need to Know About the Changing Employment Landscape with Adam Rosenthal  
06.02.2021

Ten Employment Law Mistakes Every Startup Should Avoid  
02.21.2019

## Practices

Discrimination, Harassment, and Retaliation

Labor and Employment  
Labor and Employment Counseling  
Labor and Employment Litigation  
Unfair Competition and Trade Secrets  
Wage and Hour Class Actions  
Wrongful Termination

## Industries

Financial Services  
Healthcare  
Nonprofit  
Retail, Fashion & Beauty  
Transportation  
Trucking and Logistics

## Education

J.D., University of California, Davis, 2006  
B.A., University of California, Los Angeles, 2001, *cum laude*

## Admissions

California  
U.S. Court of Appeals, for the Ninth Circuit

## Additional Office

Los Angeles