



Kevin J. O'Connor

Partner

Chair - Business Litigation

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BIO

Kevin O'Connor is a partner, chair of the Business Litigation practice, and vice chair of the Labor & Employment practice at Peckar & Abramson. Kevin is a United States Air Force veteran who served with distinction for six years in the Strategic Air Command and later graduated from law school with honors in 1995, where he served as Editor-in-Chief of the Rutgers Law Review. He went on to develop extensive experience as a trial attorney with a focus on business litigation, employment law and construction law. Kevin is certified by the Supreme Court of New Jersey as a Civil Trial Attorney.

Kevin has extensive experience in the areas of EPLI and D&O defense; class action defense; partnership and corporate dissolutions; construction litigation; unfair competition; restrictive covenant and trade secret litigation; RICO and securities law defense and Computer Fraud & Abuse Act and Computer Related Offenses Act claims.

Kevin has tried to conclusion (bench and jury trials) and has arbitrated (both domestically and internationally) many cases, some with amounts in dispute which exceed \$1 billion (US). He is a frequent lecturer on employment and business litigation topics and has published numerous articles in those practice areas. Kevin was appointed to the District XA Ethics Committee by the New Jersey Supreme Court in 2007 and was elevated to Chair in 2021 for a two-year term. Kevin also serves as the New Jersey Chair for the Association of Defense Trial Attorneys, as well as the New Jersey Editor of the Bloomberg treatise "Employment at Will, a State-by-State Survey."

Kevin is a key contributor to P&A's [Business Owner Rights Blog](#).

Kevin is also highly active in the American Bar Association as well as the Defense Research Institute (DRI) where he is involved in the Retail & Hospitality, Employment Law, and Construction Law Committees. In 2016, Kevin was invited to join the Claims and Litigation Management Alliance (CLM) in which he remains an active participant. More recently, in 2019 Kevin was elected as a Fellow of the American Bar Foundation which is a global honorary society of attorneys, judges, law faculty and legal scholars whose public and private careers have demonstrated outstanding dedication to the highest principles of the legal profession and to the welfare of their communities. This prestigious distinction is limited to one percent of lawyers licensed to practice in a given jurisdiction.

Kevin is admitted to practice law in the States of New Jersey, New York and Pennsylvania and practices before federal courts in both New Jersey and New York, including the District of New Jersey, the Eastern District of Pennsylvania, the Eastern, Western and Southern Districts of New York, as well as the Second and Third Circuits.

HIGHLIGHTS

ADMISSIONS

- State of New Jersey
- State of New York
- Commonwealth of Pennsylvania
- United States Court of Appeals for the Second Circuit
- United States Court of Appeals for the Third Circuit
- United States District Court for the District of New Jersey
- United States District Court for the Southern District of New York
- United States District Court for the Eastern District of New York
- United States District Court for the Western District of New York
- United States District Court for the Eastern District of Pennsylvania

EDUCATION AND COURSES

- Montclair State University, B.A.
- Rutgers University School of Law, J.D.

PRACTICE AREAS

- Employment Law and Practices
- Business Litigation
- Construction and Infrastructure
- COVID-19 Task Force
- Securities Regulatory Litigation and Compliance

MEMBERSHIPS

- Morris County Bar Association
- Commerce and Industry Association of New Jersey
- Claims and Litigation Management Alliance (2016 - present)
- District XA Ethics Committee (Member- Morris & Sussex, 2007 - present)
- America Bar Association (Labor and Employment Litigation Sections)
- New Jersey Bar Association (Labor and Employment and Construction Law Sections)
- Defense Research Institute (1996 - present)
- New Jersey Business and Industry Association (2015 - present)

AWARDS AND RECOGNITIONS

- Certified Civil Trial Attorney, Supreme Court of New Jersey
- *New Jersey Super Lawyers*, 2017-2023
- *Best Lawyers*, 2020-2024
- *Bergen Magazine* "Top Lawyer" - Labor & Employment, 2020, 2023
- Fellow, American Bar Foundation, 2019-Present
- NJBIZ Veterans in Business, 2023
- NJBIZ Leaders in Law, 2022
- *New Jersey Law Journal* Professional Excellence Award, Mentor, 2022

PUBLICATIONS AND PRESENTATIONS

- "Navigating NDAs, Arbitration Agreements and Non-Competes," 8th Annual Employment Practices Liability Insurance (EPLI) ExecuSummit – Spring Session, April 2023
- "Untangling the Web: A Closer Look at Legislative Prohibitions on Mandatory Arbitration for Sexual Harassment Claims and the Wave of Prohibitions on NDAs," Claims and Litigation Management (CLM) 2023 Annual Conference, March 2023

HIGHLIGHTS CONTINUED

- “Arbitration and NDA’s - Status of Employee Efforts to Contract Away Employee Rights,” 16th Annual Employment Practices Liability Insurance (EPLI) ExecuSummit, Fall Session, September 2022
- “Remote Working, Vaccines, COVID-19 and Employer Obligations Under the ADA and State Equivalents,” 2022 CLM Focus: June, June 2022
- “Remote Working, Vaccines, and Employer Obligations Under the Americans with Disabilities Act,” Association of Defense Trial Attorneys Webinar, May 2022
- “Remote Working, Vaccines and Employer Obligations Under the Americans With Disabilities Act,” New Jersey Staffing Alliance Webinar, March 2022
- “Second Circuit Brings Clarity to Scope of “Joint Employer” Theory in Discrimination Cases,” *ConsensusDocs Newsletter*, April 2022 (Co-Author)
- “Top Ten Motions in Limine,” *DRI’s For The Defense Magazine*, March 2022 (Co-Author)
- “U.S. Supreme Court Halts Enforcement of the OSHA Vaccine or Test Mandate,” *P&A Client Alert*, January 2022 (Co-Author)
- “Remote Working, Vaccines and Employment Obligations,” *DRI*, December 2021 (Co-Author)
- “New York Legislature Vastly Expands Whistleblower Rights Under New Amendments to Statute,” *P&A Client Alert*, November 2021 (Co-Author)
- “Remote Working, Vaccines and Employment Obligations Under the Americans with Disabilities Act,” *P&A Client Alert*, October 2021 (Co-Author)
- “The Adoption of a COVID-19 Vaccination Policy in the Workplace,” *P&A Client Alert*, November 2020 (Co-Author)
- “Is It Live ... Or Is It Virtual?,” *Best Lawyer Magazine*, September 2020 (Co-Author)
- “Whose Employee Is It? Borrowed Servant Agency and Vicarious Liability Damages,” CLM Workers Compensation and Retail, Restaurant, and Hospitality Conference, Spring 2020
- “OSHA: How to React to a Sick Construction Worker Who is Presumed or Confirmed to be Infected with COVID-19,” *DRI Construction Newsletter*, April 2020
- “The Discoverability and Admissibility of Plaintiff’s Prior Complaints of Discrimination Against Non-Party Employers,” *For The Defense Magazine*, March 2020 (Co-Author)
- “Families First Coronavirus Response Act,” *P&A Client Alert*, March 2020 (Co-Author)
- “Employers Beware: NJ Adopts Comprehensive Wage Theft Law,” *P&A Client Alert*, August 2019 (Co-Author)
- “The Social Security Administration’s “No-Match” Letters are Back, and Employers Must Be Careful,” New Jersey Staffing Alliance, Staffing News Publication, May 2019
- “NY Court of Appeals Sustain 13-Hour Rule for Payment of 24-Hour Home Care Workers,” *P&A Client Alert*, March 2019 (Co-Author)
- “New Jersey’s Governor Puts Construction Firms on Formal Notice of His Focus on Misclassification of Workers and Independent Contractors,” *P&A Client Alert*, May 2018
- “Unemployment Benefits for New Jersey Employees Who Resign? – NJ Appellate Division Says Yes, They May Be Eligible,” *P&A Client Alert*, May 2018
- “Best Practices for Protecting the Franchisor’s Brand While Mitigating Risk from Employment Claims,” *DRI For The Defense*, January 2018
- “New York State Department of Labor responds to recent Appellate Division Decisions for 24-Hour Home Care Workers,” *P&A Client Alert*, October 2017

HIGHLIGHTS CONTINUED

- “Me Too” Evidence in Employment Discrimination Cases, For the Defense,” *DRI For The Defense*, January 2017
- “The Evidentiary Impact of EEOC Reasonable Cause Determinations,” *DRI For The Defense*, Summer 2014
- “Hacking, Wiretapping and Other Misdeeds as Protected Activity,” *American Bar Association Section of Litigation, E-Newsletter*, Spring 2014
- “Employee Theft of Documents and Other Misdeeds: The Limits of Quinlan v. Curtis-Wright,” *New Jersey Law Journal*, January 2014
- “Employee Theft Claims under the CFAA: The Latest Chapter,” *American Bar Association E-Newsletter*, June 2012
- “Untethered Front Pay,” *New Jersey Law Journal*, August 2012
- “Piling On: Admission of “Me Too” Evidence,” *American Bar Association Section of Litigation*, August 2012
- “Lost Wage Claims and the Whistleblower Act,” *New Jersey Law Journal*, December 2011
- “Misappropriating Data to Further a Claim—Theft or Protected Conduct?,” *American Bar Association E-Newsletter*, Fall 2011
- “Pitfalls of Litigating Claims Under the Computer Fraud and Abuse Act and New Jersey Computer Related Offenses Act,” *New Jersey Law Journal*, April 2011
- “Sword or Shield: N.J.’s Consumer Fraud Act in Construction Litigation,” *New Jersey Law Journal*, October 2010 (Co-Author)
- Contributing Author, *Virginia Construction Law*, West, 2008