

Attorney Bio

Robert focuses his practice on the defense of employment, professional liability and commercial litigation claims. As part of his litigation practice, Robert has defended hundreds of sensitive discrimination, harassment and wage claims for his clients and in multiple jurisdictions across the country, including through verdict. In this practice, Robert and his team frequently litigate disputed claims under Title VII, the ADA, FLSA, FMLA, FDCPA, FCRA and associated state and local laws. In the area of professional liability, he has successfully defended attorneys, accountants, insurance agents and design professionals. Robert is also an experienced commercial litigator, defending matters involving massive electronically stored information (ESI) discovery disputes, international business tort, trade secret, and non-compete issues. In addition, Robert assists our national insurance coverage practice by advising and representing domestic and international insurers on first-party property (Homeowner's and Commercial), commercial general liability, construction defect, and professional errors and omission claims. Robert has successfully litigated a wide variety of first-party and third-party insurance cases, including the interpretation of policy provisions and exclusions, quantum disputes, catastrophes, bad faith, and extra-contractual claims, as well as rescission and material misrepresentation disputes. Across all areas of his practice, Robert and his team leverage their knowledge of cutting edge e-discovery technologies for tactical advantage.

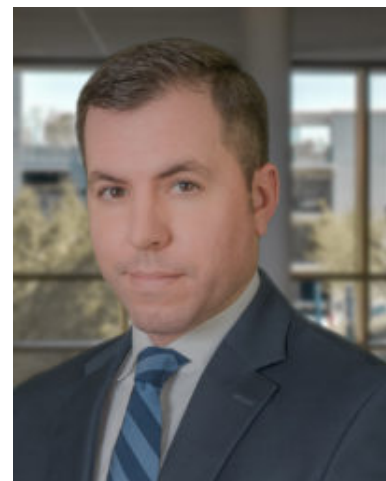
Beyond litigation, Robert and his team advise and consult with employers on issues involving internal policies, non-competes, trade secrets, intellectual property, as well as best practices for social media usage and anti-discrimination and harassment training. Additionally, Robert and his team advise employers on all aspects of responding to wage and hour audits conducted by the Department of Labor and similar state agencies, as well as conducting self-audits to ensure proactive compliance. They also represents employers in response to NLRB complaints of unfair labor practices under the National Labor Relations Act, which applies to all workplaces regardless of union representation.

Robert also is well known for his legal prowess with homebuilders who tap his knowledge base and litigation experience in matters ranging from construction defect to employment issues. He is frequently sought out as a thought leader and speaks widely to industry groups about emerging trends and litigation practice pointers.

Robert is an invited speaker on topics including e-discovery litigation strategies and emerging employer liabilities, including under the Affordable Care Act, and has provided detailed advice to liability carriers and employer groups on the impacts of Sections 1557 and 1558 of that Act. In addition, Robert is a requested contributor to leading legal journals, including the CLM Magazine, where his article on handling politics in the workplace was featured

Robert W. Hellner

Partner



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on the cover during the most recent presidential campaign.

Education

University of Pittsburgh School of Law (J.D., 2005, Journal of Technology Law & Policy)

Carnegie Mellon (B.A., 2001, University Honors)

Licensed to Practice in:

Texas, New York, Connecticut, U.S.D.C. Northern District of Texas, U.S.D.C. Southern District of Texas, U.S.D.C. Western District of Texas, U.S.D.C. Eastern District of Texas, U.S.D.C. Southern District of New York, U.S.D.C. Western District of New York, U.S.D.C. Eastern District of New York, U.S.D.C. District Court of Connecticut, Mohegan Tribal Gaming Court – Court of General Jurisdiction (CT)

Practice Areas

Employment

- Defense of ADA and sexual harassment matters in public hearings before the EEOC and New York State Division of Human Rights.
- Defense of business defamation claims arising out of social media posts.
- Counseling private hedge funds, franchise groups and professional practice groups on internal investigations regarding risk management during work force restructurings, development of employee privacy policies and strategic business decisions during the implementation of the ACA.
- Defense of national banking and service clients in bad faith hearings and trial of consumer protection matters.
- Advise employers on all aspects of responding to wage and hour audits conducted by the Department of Labor and similar state agencies, as well as conducting self-audits to ensure proactive compliance.
- Represents employers in response to NLRB complaints of unfair labor practices under the National Labor Relations Act, which applies to all workplaces regardless of union representation.

Professional Liability

- Legal Malpractice & Trustee Claims
- Accounting Malpractice, Fraud and Breach of Fiduciary Duty claims alleging violations of the Generally Accepted Auditing Standards (GAAS) and General Accepted Accounting Principles (GAAP)
- Agent & Broker E & O Claims
- Privacy & Data Breach Claims

ADA Compliance and Defense

Commercial and Business Litigation

Construction

- Construction defect defense.

Coronavirus National Response Team Directors and Officers (D&O) Litigation

Insurance

Hospitality

Intellectual Property

- Intellectual property litigation and counseling, including trademark, copyright, patent, false advertising, right of publicity, licensing, and trade secret matters.

Mass Torts and Class-Action Defense

- Defense of TCPA class actions.

Awards & Accomplishments

- CALI Award for Excellence in Employment Law
- NITA Certificate of Trial Advocacy, August 2012

Publications

- [*Interfacing in Florida: The ADA Meets the Digital Age*](#)
- [*WSHB EPL Case Law Update: Baker v. Maricle Industries, Inc., et al.*](#)
- [*Connecticut Supreme Court: Punitive Damages are not Recoverable Under State Employment Discrimination Statute*](#)
- [*WSHB CO EPL Case Law Update: Pregnant Worker's Fairness Act*](#)
- [*For Want of a Cupcake? Bakery's Refusal to Serve Same-Sex Couples is Found in Violation of Colorado's Anti-Discrimination Act*](#)
- [*Put Up Your Dukes*](#)
- [*The New Epic Considerations for Employers & Arbitration Provisions*](#)
- [*New York State Releases Model Sexual Harassment Prevention Policy and Training Program*](#)
- [*WSHB Case Update: DOL Proposes Increase to Minimum Salary Threshold*](#)

- Editor and Contributor for National Forum for Environmental & Toxic Tort Issues (FETTI) newsletter, 2009 – 2010
- *ACA Liabilities: Workplace Wellness Programs in EEOC Crosshairs*, L&E Alert (December 2014)
- *Politics in the Workplace*, CLM (Issue – September 2016)

Seminars, Events & Presentations

- “Effective Tactics for Handling Harassment Claims Involving Executives: The First 48 Hours,” Presenter, CLM Management & Professional Liability Conference, Boston, MA (2018)
- “ADA Internet Access Litigation,” Presenter, CLM Annual Conference, Houston, TX (2018)
- Beazley Group Defense Counsel Summit, Employment Practices Liability (2014, 2015, 2016, 2017)
- “Employment Practices Liability Insurance & Risk Management Strategies,” Presentation, Women Construction Owners & Executives (June 2017)
- “Employment Retaliation Trends in 2017,” Defense Counsel Summit, Beazley Group (May 2017)
- “Employment Practices Liability & Trends in Defense Handling,” Presentation, Farmers Commercial Agents’ Conference (July 2016)
- “ACA: Employer Liabilities,” Webinar, New Jersey State Bar Association (May 2014)
- “The Affordable Care Act: Emerging Liabilities for Employers and Insurers,” XpertHR Webinar, March 2014

Memberships

- New York Bar Association, Employment CLE Committee
- Hartford County Bar Association, Member
- Claims & Litigation Management Alliance (CLM), Member
- NAPEO — National Association of Professional Employer Organizations, Associate Member
- Professional Liability Underwriting Society, Member
- ReUnder40 — Under 40 Reinsurance Group
- Loyal Scot, Carnegie Mellon Alumni Association
- Broadway Impact, ING NYC Marathon, 2013