

# Clayman Rosenberg Kirshner & Linder LLP

## JAMES F. VALENTINO

PARTNER

valentino@clayro.com

### EDUCATION

University of Pennsylvania Law School

Cornell University

### ADMISSIONS

State Bar of New York

U.S. District Courts:

Southern District of New York

Eastern District of New York

Appellate Courts:

United States Court of Appeals for the Second Circuit



## Biography

James Valentino is a versatile attorney who litigates complex, high-stakes employment, civil, and criminal matters, represents employees in negotiations regarding terms of employment, compensation, and severance packages, and advises businesses on a broad range of employment issues.

James's employment practice includes representing C-Suite executives, officers, directors, partners, and other employees in contract and severance negotiations. James engages in litigation and dispute resolution on behalf of individuals and companies involving a wide range of employment claims including discrimination and retaliation, sexual harassment, failure to pay bonuses, commissions and wages, breach of contract, and breach of non-competition, non-solicitation, trade secrets and confidentiality agreements. James advises companies with respect to compliance with local, state, and federal employment and labor laws, and drafts various employment contracts and policies. He represents individuals and companies in workplace investigations regarding sexual harassment, discrimination, and retaliation, among other serious

allegations. His employment work spans across a multitude of industries including hospitality, banking, finance, private equity, technology, health care, advertising, fashion, media, entertainment, and sports.

James is also an experienced civil litigator. He litigates a wide variety of matters ranging from allegations of sexual assault to business and commercial disputes. He represents individuals and businesses in civil litigations in state and federal courts and in arbitrations before FINRA, AAA, and JAMS.

As a former senior prosecutor in Kings County, James understands each criminal matter he litigates from the perspective of law enforcement and the defense. He has handled over a thousand cases as either a prosecutor or defense attorney, tried numerous cases to verdict as lead counsel, and conducted pre-trial and post-conviction hearings. James defends individuals facing a wide variety of federal and state criminal charges including fraud, tax evasion, larceny, forgery, assault, domestic violence, and sex offenses.

He has been named a Super Lawyer every year since 2015 and was selected as a Rising Star by the New York Law Journal in 2020.

Prior to joining Clayman Rosenberg Kirshner & Linder LLP, James had his own law practice based in New York City. Before that, James was a Senior Assistant District Attorney in Kings County and worked at two New York law firms: Cahill, Gordon & Reindel, LLP and Harris, St. Laurent, LLP.

## Representative Matters

### Civil / Employment Matters

Negotiated a pre-litigation settlement approximately three times higher than the initial offer on behalf of a married couple terminated as part of reduction of force shortly before they were scheduled to take parental leave.

---

Reached settlements significantly higher than the initial offers in multiple matters on behalf of female executives whose employers discriminated against them on the basis of pregnancy or for seeking childcare accommodations.

---

Achieved a significant settlement on behalf of a female employee who was terminated after being assaulted by a male colleague with a history of workplace violence towards women.

---

Represented several individuals accused of sexual assault both prior to and after the commencement of litigation. Settlements of each of these matters were at substantial reductions from the initial demands.

---

Secured a dismissal on behalf of an attorney in a federal litigation who was alleged to have engaged in unfair competition, tortious interference with business relations, and stealing trade secrets.

---

Successfully moved to dismiss numerous claims against an executive in the mortgage services industry accused of violating his non-compete agreement. In her opinion, a federal judge deemed the executive's non-compete unenforceable as a matter of law.

---

Obtained a significant settlement on behalf of a financial executive who was retaliated against by her employer after raising issues with the employer's financial systems and reporting.

---

Represented an investment professional investigated by his employer regarding sexual harassment allegations resulting in no disciplinary action.

---

Defended restaurant group in two separate discrimination actions filed with the New York City Human Rights Commission. Both actions were dismissed.

---

Successfully moved to dismiss a complaint against an attorney alleging legal malpractice, fraud, and breach of contract. The dismissal was upheld on appeal in the First Department.

---

Negotiated a settlement which avoided the arrest and prosecution of a former police officer in a matter involving allegations of insurance fraud and grand larceny.

---

Represented a stock broker in an arbitration demanding indemnification against his former employer, a Fortune 500 Company. The matter was ultimately settled in a favorable manner for the broker.

---

Negotiated a substantial financial package for an equity partner withdrawing from a global law firm.

---

Secured a favorable pre-litigation settlement for an investment professional with claims of sexual harassment against a multinational financial services corporation.

---

Achieved a favorable pre-litigation settlement on behalf of telecommunications sales executives who were deprived of earned sales commissions.

---

Represented a registered financial advisor accused of fraud in a FINRA investigation, which resulted in no disciplinary action.

---

Negotiated a settlement after commencing an arbitration on behalf of an investment banker who was terminated without receiving an annual bonus.

---

## Criminal Matters

Obtained a non-jail and non-registerable disposition for an individual charged with Rape in the First Degree.

---

Obtained a corporate plea with no individual liability for a business owner accused of a multi-million dollar tax fraud.

---

Secured dismissals in a number of criminal cases including those with allegations of assault, criminal mischief, possession of narcotics, promoting prostitution and public lewdness.

---

Obtained a non-criminal disposition for an individual indicted for a hate crime in Brooklyn.

---

## Highlights

- Selected as a Super Lawyer in the area of Labor and Employment Law in 2021, 2022 & 2023.

- Selected as a Rising Star by Super Lawyers from 2015 – 2020.
- Selected as a Rising Star by the New York Law Journal in 2020.
- Member of the Federal Bar Council – Employment Litigation Committee.
- Member of the New York Council of Defense Lawyers.
- Previously served on the Board of Directors and as Treasurer of the New York Criminal Bar Association.
- Former member of the Poly Prep Country Day School Board of Governors.