

Emily E. Friedman

Partner | Atlanta

Emily E. Friedman is a Partner in the Executive Compensation and Employee Benefits Practice of Smith, Gambrell & Russell, LLP.

Ms. Friedman specializes in Employment Counseling and ERISA Litigation and Litigation Avoidance.

Ms. Friedman's employment law practice includes:

- Providing advice and counsel to employers on all workplace matters, including leave administration and compliance with federal and state leave laws, compliance with federal statutes such as Title VII, ADEA, ADA and WARN Act, internal and administrative investigations, employee separation and discipline, restrictive covenants, and discrimination issues;
- Formulating and revising employment policies, employee handbooks and workplace codes of conduct, preparing employee communications and templates to be used in connection with leave administration, and drafting and negotiating separation agreements, employment agreements, and offer letters;
- Conducting training sessions for employers addressing best practices to ensure compliance with state and federal laws, including anti-discrimination and harassment laws and leave laws; and
- Litigating federal and state employment law actions and defending employers in administrative proceedings involving issues such as discrimination, sexual harassment, wage violations and practices, compliance with state labor laws, trade secrets, defamation, wrongful termination, restrictive covenants, breach of contract, ERISA and malicious prosecution.

In addition to her employment practice, Ms. Friedman has significant experience litigating ERISA matters and providing advice to employers, ERISA benefit plans and ERISA fiduciaries to ensure compliance with ERISA and its implementing regulations. Ms. Friedman's ERISA practice includes:



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Areas of Practice

ERISA Litigation
Labor and Employment
Litigation / Trial Practice
Executive Compensation and
Employee Benefits

Admissions

Georgia
New York

Memberships

American Bar Association,
Labor & Employment Section
State Bar of Georgia, Employee
Benefits and Labor Section

- Defending ERISA plans, plan sponsors and plan fiduciaries in ERISA actions, including class actions, involving benefit claims, breach of fiduciary duty claims, prohibited transaction claims, claims alleging ERISA disclosure violations, claims brought by out-of-network and other healthcare providers, claims alleging discrimination and interference with ERISA rights, and coordination of benefits and subrogation issues;
- Pursuing litigation on behalf of ERISA plans and fiduciaries seeking to recoup benefit overpayments or benefits wrongfully paid on account of fraud or theft of plan assets;
- Counseling ERISA plan fiduciaries to ensure compliance with ERISA disclosure obligations and the proper adjudication of benefit claims, including severance, health and welfare, and pension benefit claims;
- Formulating and revising benefit plans and plan designs to mitigate litigation risks and make subsequent litigation more easily won;
- Conducting training sessions for plan fiduciaries and otherwise assist plan fiduciaries in discharging their ongoing obligations under ERISA; and
- Counseling benefit plans and plan fiduciaries subject to DOL audits and investigations, and negotiating settlements of same.

Ms. Friedman received her J.D. degree, *cum laude*, from American University, Washington College of Law. During law school she was a note and comment editor for the *Administrative Law Review*. She is admitted to the United States District Courts for the Northern District of Georgia, Middle District of Georgia, and Southern District of New York, as well as the Georgia Supreme Court.