

Kimberly L. Fogarty

Project Attorney

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Kim Fogarty is a project attorney in Alston & Bird's Labor & Employment Group. Kim represents management in all aspects of employment law. Her litigation experience includes defending gender, race, age and disability discrimination claims under Title VII, the ADEA and the ADA, as well as defending public accommodation disability claims. She also has significant experience litigating cases involving trade secret misappropriation, breach of contract, violation of restrictive covenants, tortious interference and related claims. Kim's practice also includes traditional labor work: drafting employee handbooks, employment agreements and restrictive covenants; conducting labor and employment-related diligence for corporate acquisitions; and counseling clients on compliance with federal and state employment laws.

Kim received her J.D. in 2004 from the University of Virginia, where she was a member of the *Environmental Law Journal* and the *Journal of Sports and Entertainment Law*. She received a B.S. in political science and economics, summa cum laude, from Vanderbilt University in 2001, where she was a member of Phi Beta Kappa. While at Vanderbilt, Kim was a co-captain of the women's soccer team, and earned various athletic and academic honors. She is a member of the State Bar of Georgia and the Atlanta Bar Association.

Representative Experience

- Handled labor and employment-related diligence in multiple corporate mergers and acquisitions, including a \$680 million acquisition by a global healthcare and life sciences company.
- Obtained dispositive judgments in a number of race, age, gender and disability discrimination and retaliation cases, including claims alleging failure to hire, wrongful termination, harassment and failure to accommodate.
- Successfully defended a global investment firm in defamation claims brought before the Financial Industry Regulatory Authority.
- Conducted a full investigation into sexual harassment claims and guided the client to a satisfactory resolution of claims.
- Assisted in the defense of what was widely reported to be the largest class action ever certified under the Americans with Disabilities Act.
- Handled the defense of more than 50 gender, race, age and disability discrimination charges brought before the Equal Employment Opportunity Commission.
- Obtained a victory in a union organizing campaign for a metals manufacturing corporation against the Sheet Metal Workers.
- Represented several large corporations in lawsuits seeking to protect trade secrets from misappropriation by competitors.
- Regularly drafts and revises employee handbooks and related policies for businesses of all sizes in a wide variety of industries.

Education

- University of Virginia (J.D., 2004)
- Vanderbilt University (B.S., 2001)

Admitted to Practice

- Georgia

Related Services

Labor & Employment | Litigation