



*“My goal is to work alongside my clients to ensure their compliance with the ever-changing employment laws and to fight for my clients’ interests when litigation is necessary. I want my clients to feel like I am part of their team and that they can call me at any time – day or night.”*

## Scott Mirsky

Principal (He/Him)

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(He/Him)

Scott Mirsky is a Principal in the firm’s Employment Law and Litigation practice groups. He focuses his practice on advising and litigating construction, business, and employment disputes. He has experience in handling non-compete and trade secret disagreements, employment claims, issues concerning independent contractors, intellectual property infringement cases, complex construction issues, wage and overtime disputes, and breach of contract claims. Scott has over 20 years of experience representing individuals and businesses in diverse civil matters throughout the Washington, DC region. Scott also represents numerous language services companies in issues arising out of the independent contractor relationship.

Scott’s practice covers the full spectrum of litigation services including pre-litigation counseling risk and litigation management trials, hearings, arbitrations, and appeals before federal and state courts, and has earned a reputation for being passionate about his clients’ cases and legal challenges. He has provided successful representation to small, midsize, and national clients. Because of his experience in commercial and employment litigation, Scott counsels clients in connection with employment agreements and routinely litigates non-compete cases.

Scott currently resides in Montgomery County, Maryland, with his wife and twin sons. Scott is actively involved in his community and coaches MSI soccer. When he is not practicing law, Scott enjoys watching local sports, including the Baltimore Ravens, the Washington Capitals, and Washington Nationals.

### PRACTICE AREAS

Employment Law

Litigation: Business

### BAR ADMISSIONS

Maryland

District of Columbia

### EDUCATION

J.D., *magna cum laude*, University of Baltimore School of Law, 1997  
- Casenotes Editor of the *University of Baltimore Law Review*

B.A., American University, 1994

## ACCOLADES & AWARDS

AV Preeminent® Peer Review Rated

Maryland *Super Lawyers* (2019)

## IN THE NEWS

Scott Mirsky Talks With Employment Authority Regarding the Future of Telework

Scott Mirsky Spoke With Employment Authority Regarding The Need For Miscarriage Leave

Scott Mirsky Discussed Independent Contractor Updates with Paint Radio

Scott Mirsky Discusses Navigating Mask & Vaccine Issues on Insightful Voices

Scott Mirsky Provided Commentary for Healthline Article Regarding Workplace Discrimination Numerous Women Face After a Miscarriage

Scott Mirsky Provided Commentary for Law360 Article on the Latest Vaccine Guidance Issued by the EEOC

Scott Mirsky Provided Commentary for Law360 Article on the Steps Businesses Must Take Before Banning Unvaccinated Workers from Job Sites

Scott Mirsky Provides Commentary for Bloomberg Law Article on How Contact Tracing Poses 'Pandora's Box' for Reopening Businesses

Scott Mirsky Provides Commentary for Law360 Article on the Ways COVID-19 Will Change Workplaces Forever

Scott Mirsky Publishes Article On Eligibility Issues For Staffing Agency Hires on Law360

13 Paley Rothman Attorneys Named to the 2019 Washington D.C. Super Lawyers and Rising Stars Lists

Paley Rothman Welcomes Scott Mirsky and Hayes Edwards to Employment Law and Litigation Practices

## RECENT PUBLICATIONS

"The Gig Economy Is Here To Stay But May Have To Adapt As Needs Change," *HR.com*, May 2021

"FMLA Case Shows Eligibility Issues For Staffing Agency Hires," *Law360*, December 2019

"Notes: Negligently Inflicted Emotional Distress Resulting Solely from Property Damage Is Not a Compensable Injury. *Dobbins v. Washington Suburban Sanitary Commission*, 338 Md. 341, 658 A.2d 675," *University of Baltimore Law Review*, 1995

## CIVIC & COMMUNITY INVOLVEMENT

### Maryland State Bar Association

- Member, Board of Directors (Present)

### **Bar Association of Montgomery County**

- Co-Chair, Employment Law Section (2005-2007)
- Member

### **ASTM Drafting Subcommittee F43.05 on Quality Assurance in Language Services**

- Active Member

### **DC Employment Justice Center**

- Pro Bono service

### **HR.com**

- Advisory Board Member (Legal, Compliance and Employment Law 2021 research)

## **REPRESENTATIVE CASES**

Obtained an emergency preliminary injunction order that required client's former salesperson, who had formed a competing business, to stop soliciting work from leads that were obtained during the time she worked for our client.

Obtained an order for a physician that declared a non-solicitation provision in his employment agreement to be unenforceable, which then allowed that physician to render medical services to his former patients without any restrictions.

Defense of nationwide employer who was accused of improperly using copyrighted software.

Represented hotel chain in nationwide litigation involving alleged construction defects caused by the hotel's builders, as well as warranty claims against the building component manufacturers.

Was successful in having his client's ERISA disability claim remanded back to the insurance provider for a full and fair review, when the insurance provider neglected to consider records and statements from insured's treating physicians and social worker.

## **SPEECHES & PRESENTATIONS**

"Legal Update on Employment Law Issues Affecting the Language Services Industry," Association of Language Companies 20th Annual Summit, September 2022

"Employment Law Day: Sign the Dotted Line - Is the Non-Compete Agreement Even Enforceable Now?" Paley Rothman, February 2022

"CLE: Best Practices for Navigation Office Issues Post- COVID19," Bar Association of Montgomery County, November 2021

"Back to Work after the Pandemic: A Legal & Practical Approach," Association of Language Companies 19th Annual Summit, September 2021

"Returning Employees to the Workplace," Paley Rothman, April 2021

"Employment Law Day - Changes: A New Chapter in Employment Law," Paley Rothman, February 2021

"PPP 2.0: A Summary and Update following Omnibus Government and COVID-19 Relief Funding Bill," a webinar for the Montgomery County Medical Society, January 2021

"Applying for Second Round of PPP Webinar," a webinar for the Association of Language Companies, January 2021

"ALC Webinar Series: PPP Loan Forgiveness and Return to Work Guidelines," a webinar for the Association of Language Companies, June 2020

"ALC Virtual Summit - Roundtable: Exemption, Exemption, Exemption," a webinar for the Association of Language Companies, September 2020

"ALC Webinar Series: Limiting LSC Liability During COVID-19 Recovery," a webinar for the Association of Language Companies, August 2020

"Returning Employees to Work as COVID-19 Restrictions Ease," a webinar for the Rockville Chamber of Commerce, May 2020

"Update and Refresher: PPP Loan Forgiveness & Return to Work Guidelines," a webinar for the Montgomery County Medical Society, May 2020

"Returning Employees to Work as COVID-19 Restrictions Ease," Rockville Chamber of Commerce webinar, May 2020

"Business Planning and Borrowing Options for Medical Practices in the COVID-19 World," a webinar for the Montgomery County Medical Society, April 2020

"COVID-19 Employment Law Q&A," Paley Rothman, March 2020

"Ask Scott! A Q&A on Employment Issues from Independent Contractors to COVID-19," Association of Language Companies webinar, March 2020

"Employment Law Day: All On-Board! How to Conduct Successful Employee On-Boarding," Paley Rothman, February 2020

"Attack on the Independent Contractor Relationship: Dynamex and Beyond," 2019 ALC Annual Conference Capitol Hill Advocacy Day, Washington, DC, May 1, 2019

"Legal Ramifications of Dynamex on Employee Classification," ALC 2018 Washington Leaders Forum, Washington, DC, August 8, 2018

"Avoiding Employment Law Pitfalls for Language Service Companies," ALC 2018 Annual Conference, Scottsdale, AZ, April 27, 2018

"Understanding the Essentials of an Independent Contractor Agreement," ALC 2017 Annual Conference, Miami, FL, May 19, 2017

"Employment Policies to Protect Your Business," Rockville Chamber of Commerce, April 16, 2015

## **MEDIA COMMENTARY**

"Musk's Stance On Telework May Lead Copycats Astray," *Employment Authority*, June 3, 2022

"Employers Are Waking Up To The Need For Miscarriage Leave," *Employment Authority*, May 27, 2022

"Navigating COVID-19 in the Workplace Now," *MSBA: Insightful Voices*, April 10, 2022

"Changes to Independent Contractor Rules," *Paint Radio*, April 7, 2022

"The Workplace Discrimination Many Women Face After a Miscarriage," *Heathline.com*, February 2, 2022

"Legal Hurdles Employees Face With Workplace Exposure," *WTTG, Fox 5 DC*, January 11, 2022

"What Does President Biden's Order on Noncompetes Mean for Employers?" *SHRM.org*, July 14, 2021

"Biden Pushes Employers To Ponder Worksite COVID Shots," by Vin Gurrieri, *Law360.com*, July 6, 2021

"What New EEOC Vaccine Incentive Guidance Means for HR Leaders," *HRExecutive.com*, June 2021

"EEOC Blesses Vaccine Incentives, But Gray Areas Remain," *Law360*, May 28, 2021

"Can Employers Require You to Take COVID-19 Vaccine?" *News at 10, Fox 5 DC*, December 1, 2020

"How to Write Enforceable Non-Compete Agreements," by Derek Handova, *IPWatchdog.com*, January 24, 2017

"Prince George's County requiring mandatory testing for public safety, health personnel," *News at 10, Fox 5 DC*, July 13, 2020

"Contact Tracing Poses 'Pandora's Box' for Reopening Businesses," *Bloomberg Law*, May 1, 2020

"4 Ways COVID-19 Will Change Workplaces Forever," *Law360*, April 17, 2020

"Navigating the Freelance Economy," by Katie Morell, *Diversity Woman*

## WEBINARS

Change Comes to the Commonwealth – A Virginia Employment Law Update, June 2020