

M. Trevor Lyons

PARTNER

P: (973) 757-1014
F: (973) 757-1090

mlyons@walsh.law

WALSH PIZZI O'REILLY LLP
Three Gateway Center | 100 Mulberry Street, 15th Floor
Newark, New Jersey 07102

Practice Areas:

- Business & Commercial Litigation
- Labor & Employment Law

States Admitted to Practice:

- New Jersey
- New York

Courts Admitted to Practice:

- U.S. Court of Appeals for the Second and Third Circuits
- U.S. District Court for the District of New Jersey
- U.S. District Courts for the Eastern, Northern and Southern Districts of New York

Education:

- Washington University School of Law (1996)
- Johns Hopkins University (1992)

Education:

- New Jersey State Bar Association

M. Trevor Lyons, a partner in the firm, has devoted his entire career to representing employers, including privately owned businesses, international corporations, non-profit organizations and institutions of higher education. He has extensive experience in defending employers in litigation and providing pro-active and preventative strategic counseling to his clients on a wide array of personnel and benefit issues. He is a featured speaker nationally and regionally on numerous traditional and cutting-edge employment and labor law topics.

Trevor also represents employers in traditional labor matters, such as NLRB proceedings, union organizing campaigns, collective bargaining, labor arbitrations, enjoining strike misconduct and unlawful picketing, and related matters. He also represents numerous employers in privacy and communication technology-related actions, including actions to enforce the provisions of the Computer Fraud and Abuse Act, to unmask anonymous internet posters, and for a third-party claim arising out of an employee's criminal computer usage at work.

Trevor previously served on the Editorial Board of the NJSBA Labor and Employment Law Quarterly, and he also served as a Program Chair for the Sidney Reitman American Inn of Court, the first American Inn of Court devoted exclusively to labor and employment law advocacy.

Honors and Awards

- *Best Lawyers*® 2018-Present
- New Jersey Super Lawyers 2017-2018
  (These awards are not approved by the Supreme Court of New Jersey. Selection methodology is available.)
- Member, John J. Gibbons American Inn of Court
- Member, Sidney Reitman American Inn of Court

Representative Experience

- Defended a Fortune 100 pharmaceutical company against a multi-count complaint alleging, among other claims, retaliation and harassment under the NJLAD and NJCEPA, obtaining obtained summary dismissal of all but one count and settling the matter for a nominal sum.
- Defended a public university in New Jersey against claims that the university violated a faculty member's First Amendment rights and breached a contract based upon unique language added to the faculty member's appointment letter, successfully striking the First Amendment claim and winning a unanimous jury verdict following a two-week trial.
- Defended a public university in New Jersey against claims that the university violated a faculty member's First Amendment rights and breached a contract based upon unique language added to the faculty member's appointment letter, successfully striking the First Amendment claim and winning a unanimous jury verdict following a two-week trial.
- Obtained temporary restraints and subsequently a preliminary injunction barring the competitive employment of a former high-level executive who had left a Fortune 500 global engineering and construction contractor and five months later accepted employment with a direct competitor.
- Defended a private university against claims of disability discrimination under the ADA and NJLAD, violations of the FMLA, FLSA, New Jersey Wage and Hour Law, New Jersey Wage Payment Act, NJCEPA, breach of oral contract, and several equity quasi-contractual claims, conducting an investigation which established that the plaintiff was not a qualified individual under the FMLA and that her wage-based and contractual claims lacked any foundation.

Decisions

- *Hawk v. New Jersey Institute of Technology,* 428 N.J. Super. 562 (App. Div. 2012), cert denied 214 N.J. 175 (N.J. 2013).

News and Activities

- Navigating Disability Law in New Jersey," Mercer County Community College, West Windsor, NJ (April, 2016)
- Featured Speaker, "Termination and Post-Termination Decisions," New Jersey Business & Industry Association, West Orange, NJ (March 2016)
- Featured Speaker, "Advanced Employment Law," National Business Institute, Atlantic City, NJ (April, 2016)
- "Employee Discipline and Termination," Mercer County Community College, West Windsor, NJ (February, 2016)
- Featured Speaker, "Employment Law: 2015 Comprehensive Guide," National Business Institute, Atlantic City, NJ (October, 2015)
- "Navigating Disability Law in New Jersey," Mercer County Community College, West Windsor, NJ (October, 2015)
- "Employment Law Jeopardy," Garden State Council - Society of Human Resource Managers, Atlantic City, NJ (October 2015)

- Featured Speaker, "The Right Decision: Exempt vs. Non-Exempt," New Jersey Business & Industry Association, West Orange, NJ (July 2015)
- Featured Speaker, "Termination & Post-Termination Issues," New Jersey Business & Industry Association, Eatontown, NJ (May 2015)
- Faculty, “A Practical Overview of Labor Relations Law,” Wakefern Corporation Human Resources Training Symposium (March 2014)
- Featured Speaker, “Hot Legal Topics for Employers: How to Protect Your Business,” New Jersey Business & Industry Association, Monroe Township, NJ (November 2014)
- Featured Speaker, “Employment Law: 2014 Comprehensive Guide,” National Business Institute, Cherry Hill, NJ (October, 2014)
- Featured Speaker, “Administering the Family and Medical Leave Act in New Jersey,” Lorman Business Center, Inc., Parsippany, NJ (September, 2014)
- Featured Speaker, “Hiring & Firing: Dos and Don'ts,” New Jersey Business & Industry Association, Eatontown, NJ (July 2014)
- “Evidence Jeopardy,” Connell Foley, Roseland, NJ (May 2014)
- Featured Speaker, “Dealing with Social Media Issues in the HR World,” New Jersey Business & Industry Association, Edison, NJ (May 2014)
- Featured Speaker, “Master the I-9: The Misunderstood New Hire Document,” New Jersey Business & Industry Association, West Orange, NJ (April 2014)
- “Hot Legal Topics for HR Professionals: Employment Jeopardy,” Southern Shore Human Resource Association of New Jersey, Atlantic City, NJ (January 2014)
- “Leave as an Accommodation Under The NJLAD and ADA,” New Jersey Business & Industry Association, Monroe Township, NJ (November 2013)
- Featured Speaker, “Human Resource Law: What you Need to Know Now,” National Business Institute, Saddle Brook, NJ (November, 2013)
- Featured Speaker, “Human Resource Law: What you Need to Know Now,” National Business Institute, Princeton, NJ (November, 2013)
- “Employment Law Jeopardy,” Garden State Council - Society of Human Resource Managers, Atlantic City, NJ (October 2013)
- “Staying Out of the Courtroom: Common HR Lawsuits,” New Jersey Business & Industry Association, Edison, NJ (October 2013)
- “New Employment Law Cases: Why Do They Matter?” New Jersey Business & Industry Association Monroe Township, NJ (April 2013)
- Featured Speaker, “Representing Your Client in Federal Court,” National Business Institute, Newark, NJ (March, 2013)

Publications

- Co-author, “Navigating the NLRB's New Quickie Election Procedures,” New Jersey Law Journal (August 2015)
- Co-author, “New Jersey’s Supreme Court Requires CEPA Plaintiffs to Identify a Law or Public Policy Applicable to the Defendant Employer” New Jersey State Bar Association's Labor and Employment Law Quarterly, Vol. 36, No. 1 (January 2015)
- Co-author, "What to Expect with Expecting Employees," published in New Jersey Law Journal (December 2014)

- Co-author, "Is There an Unexpected Pay Day in Your 'Unpaid' Intern's Future?" published in New Jersey State Bar Association's Labor and Employment Law Quarterly, Vol. 35, No. 3 (May 2014)
- Co-author, "LAD Amendment Prohibits Retaliation for Sharing Compensation Information, 'How Much Do You Make?' Is No Longer a Forbidden Question," published by New Jersey Law Journal, Employment & Immigration Law (December 2013)
- Author "Courts Continue to Untangle the Continuing Violation Doctrine," published in New Jersey Law Journal (December 2010)
- Author, "Putting the Genie Back in the Bottle: What Happens in the Wake of the Decision in New Process Steel V. NLRB?" published in New Jersey State Bar Association's Labor and Employment Law Quarterly, Vol. 32, No. 2 (November 2010)
- Co-author, "Pension Plan Withdrawal Liability: A Primer," published in New Jersey Constructor (Summer 2010)
- Author, "Management Perspective: Does 14 Penn Plaza L.L.C v. Pyett Really Change Anything?" published in New Jersey State Bar Association's Labor and Employment Law Quarterly, Vol. 32, No. 1 (February 2010)
- Co-author, "ADAAA Fall Out: What Should Employers Do Now? 7 Steps to Prevent Lawsuit Risk and Exposure," published in USLAW magazine (Spring/Summer 2009)
- Author, "The United States Supreme Court Rules that the Admissibility of 'Me Too' Evidence Requires a Fact-Intensive Analysis," published in New Jersey State Bar Association's Labor and Employment Law Quarterly, Vol. 31, No. 1. (Spring 2008)
- Author, "The United States Supreme Court Limits Employers Exposure for Discriminatory Pay Claims by Requiring Timely Challenge to Periodic Pay Decisions," published in New Jersey State Bar Association's Labor and Employment Law Quarterly (Summer 2007)
- Author, "The Third Circuit Adopts a Broad Reading of the 'Ministerial Exception'," published in New Jersey State Bar Association's Labor and Employment Law Quarterly (Winter 2007)
- Co-author, "New Jersey Joins A Growing Number of Jurisdictions in Expressly Prohibiting Discrimination On The Basis Of Gender Identity Or Expression," published in The Metropolitan Corporate Counsel (July/August 2007)
- Co-author, "LAD Expansion: Gender Identity and Gender Expression," published in In Re: The Magazine from New Jersey Lawyer (March 2007)
- Co-author, "The Overdiagnosis of Post-Traumatic Stress Disorder in Employment Litigation," published in New Jersey State Bar Association's Labor and Employment Law Quarterly (2006)
- Co-author, "OPTING IN: Congress Passes the Can-Spam Act of 2003" (2004)
- Author, "ISPS, Congress Make Greater Strides in Combating Spam," published in Legal Times (2003)
- Author, "Close the Gap with EEOC Deference to Arbitration," published in New Jersey Law Journal (October 2002)
- Author, "The Supreme Court Again Narrows the Scope of the Americans with Disabilities Act," published in New Jersey State Bar Association's Labor and Employment Law Quarterly (Fall 2002)