



# Susan N. Eisenberg

## Member

## Miami

seisenberg@cozen.com | (305) 704-5941

### Practice Areas

- Employment Litigation
- Labor & Employment

### Industry Sectors

- Hospitality
- Retail

### Education

- University of Miami School of Law, J.D., 1986
- University of Michigan, B.S., 1979

### Bar Admissions

- Florida

### Affiliations

American Bar Association, Labor and Employment Section

Wage & Hour Defense Institute

International Women's Forum

### Awards & Honors

- Board Certified in Labor & Employment Law, The Florida Bar Board of Legal Specialization and Education
- Fellow, The College of Labor and Employment Lawyers
- Founding Member, Wage and Hour Defense Institute (WHDI)
- The Best Lawyers in America 2020 and 2024, Listed as "Lawyer of the Year" for Litigation - Labor and Employment in Miami
- The Best Lawyers in America 2016, Listed as "Lawyer of the Year" for Employment Law - Management in Miami
- The Best Lawyers in America, 2006-2025
- South Florida Legal Guide Top Lawyers 2012-2015, 2019
- Named a 2019 Influential Business Woman by South Florida Business Journal
- Chambers USA 2004-2024
- Chambers USA 2012, Women in Law Awards, Short List for Employment Lawyer of the Year
- Chambers Global 2018-2023
- Lawdragon Top Leading U.S. Corporate Employment Lawyers, 2020-2025
- Super Lawyers Magazine 2012-2024
- Super Lawyers Magazine "Top 50 Women Lawyers" Florida, 2008, 2010-2011,

Susan N. Eisenberg has more than 30 years of experience representing employers in all aspects of employment matters and is widely recognized as one of the leading employment law attorneys in Florida. Susan has extensive jury and non-jury trial experience involving sex, race, religion, age and disability harassment and discrimination issues. She also litigates non-compete and confidentiality issues as well as accessibility issues under the Americans with Disabilities Act. She regularly handles single plaintiff as well as class-action litigation. Susan is also widely known for her experience with wage and hour issues and is one of the authors of the premiere treatise titled *The Fair Labor Standards Act*.

Susan also advises clients on employment law compliance, discipline, terminations, reductions in force and wage and hour audits. She has extensive experience in conducting workplace investigations including those involving high level executives. She prepares workplace policies and procedure manuals, employment contracts, non-compete and confidentiality agreements and separation agreements. Susan also conducts informative and entertaining in-house training on employment issues.

Susan is Florida Bar Board Certified in Labor and Employment Law and has been a Fellow of the College of Labor and Employment Lawyers since 2007. Susan was recognized as one of the top 20 women lawyers in South Florida in 2014 and was recognized in 2019 as an Influential Business Woman by the *South Florida Business Journal*. In 2020 and 2023 she was named a "Lawyer of the Year" for labor & employment litigation by Best Lawyers. She has consistently received Band 1 ranking from Chambers USA and is also recognized by Chambers Global.

Susan has previously served as the office managing partner of Cozen O'Connor's Miami offices and has chaired its Shareholder Nominating Committee, previously sat on its Shareholder Compensation Committee, and its Management Committee. She is currently serving a three year term on Cozen O'Connor's Board of Directors. She is a frequent lecturer, author and bar association leader. She regularly writes and speaks on employment issues for the American Bar Association, Practising Law Institute, and American Conference Institute. Susan is the former chair of the American Bar Association's Federal Labor Standards Legislation Committee, president of the Academy of Florida Management Attorneys, and founding member and president of the Wage and Hour Defense Institute. Susan is a member of the International Women's Forum and the former management co-chair of the American Bar Association Labor and Employment Section Conference Planning Committee.

In addition to her litigation and counseling practice, for more than 20 years Susan has been an Arbitrator with the American Arbitration Association and a Certified Circuit Mediator.

Susan earned her Bachelor of Science from the University of Michigan and her law degree from the University of Miami where she was a member of Law Review and president of the Moot Court Board. Before practicing law, Susan was licensed and worked as a pharmacist in Michigan and Florida.

### Experience

Secured an important arbitration victory on behalf of a client facing a commission claim of more than

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2013-2015

- Super Lawyers Magazine 2013, Listed in Florida as one of the "Top 100 Lawyers"
- Super Lawyers Magazine 2013, Listed in Florida as one of the "Top 100 Miami Lawyers"
- Daily Business Review 2014, Recognized as a Top 20 Women in Law Honoree in South Florida
- Daily Business Review Florida Legal Awards 2021 - Distinguished Leader
- Florida Trend's Legal Elite 2005, 2007, 2010, 2012-2013, 2017
- The International Who's Who of Business Lawyers, 2012
- Certified Mediator, Florida Supreme Court
- American Arbitration Association, Arbitrator
- Benchmark Labor & Employment Star for the South
- Martindale-Hubbell, AV Rated

\$1.3 million, plus attorney's fees and costs of more than \$450,000, filed by a former salesperson alleging breach of his commission plan. At issue was a decelerator provision in the commission plan which the client had applied to the claimant's commission on a \$14 million sale. After six days of arbitration involving several complex legal issues, the arbitrator ruled in the client's favor on all legal and factual issues. This was a particularly important victory for the client, as the same clause had been at issue in a number of other jurisdictions.

Defended a destination transportation company in case centered on whether drivers are exempt from overtime under the Motor Carrier Act. We were able to show that the drivers were exempt from overtime based on the use of "thru-ticketing," thus establishing an exemption under the Motor Carrier Act. This position established that even if drivers only drive intra-state, they can still be exempt if they are carrying passengers who enter from outside the state.

Represented a compliance company that specializes in collecting and disposing of regulated substances (such as medical waste and sharps, pharmaceuticals, hazardous waste) and providing services for recalled and expired goods. This matter was a pregnancy discrimination case that dealt with the interaction between the Americans with Disabilities Act and the Pregnancy Discrimination Act. We were able to establish that the employer must treat pregnancy as any other impairment and settled the case for a nominal value.

Obtained summary judgment on all counts in a race discrimination and retaliation claim filed in federal court under Title VII and 42 U.S.C. §1981 against our client and two of its employees. This victory was particularly significant because the plaintiff alleged that there was direct evidence of discrimination. We also obtained a significant favorable ruling on our motion to strike jury trial based upon an employment agreement between the company and plaintiff which was also enforced with regard to the individual defendants even though they did not sign the agreement. Finally, we obtained a rare award of attorneys' fees against the plaintiff.

Obtained summary judgment on behalf of a client by successfully arguing that the plaintiff's impairment did not constitute a disability under the Americans with Disabilities Act. This victory was particularly significant because it was the first decision under the 2008 Amendments to the ADA specifically holding that an impairment which resolves in 30 days, with no permanent residual effects, does not constitute a disability.