

Nicholas J. Pappas

Partner

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New York – 212.415.9387



Nick focuses on the full spectrum of complex employment and healthcare litigation matters.

Nick litigates and counsels with respect to complex employment disputes, including in relation to antidiscrimination laws, restrictive covenant agreements, executive employment agreements, discipline, discharge, and disability, among other issues, in federal and state courts, administrative agencies, and arbitral fora.

Nick also concentrates on the defense of class actions challenging the administration of health care benefit plans, 401(k) plans, and defined benefit plans. In these matters he regularly litigates and counsels on sophisticated legal issues arising under ERISA, the Affordable Care Act, the Medicare Act, and other laws and regulations, including preemption, claims payment, fraudulent billing, medical necessity coverage determinations, standing, exhaustion, fiduciary duties, disclosure obligations, withdrawal liability, plan termination, and benefit accrual.

Select Experience

- Representing a third party administrator of health care benefit plan against claims of a putative class of individuals for alleged denial of “first dollar” coverage for AIDS medications in violation of ERISA and Affordable Care Act.
- Representing a financial services firm against claims of employment discrimination by a putative class on the basis of race and sex in violation of Title VII and Section 1981.
- Representing a health insurer/administrator against putative class action claims under RICO, the Sherman Act, and ERISA based on alleged payment practices, as well as related investigations by state regulators.
- Representing a global insurer in a putative ERISA class action based on the alleged failure to disclose the risks associated with company stock held by employees in their 401k plans.

Education

- Rutgers University School of Law - Newark (J.D., 1987)
- Harvard College (A.B., 1984)
 - *cum laude*

Bar Admissions

- New York
- New Jersey
- Florida

Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. District Court for the Southern District New York
- U.S. District Court for the District of New Jersey
- U.S. District Court for the Eastern District New York

Clerkships

- U.S. District Court for the Middle District of Florida, Honorable Susan H. Black, 1987–1988

Charitable & Civic Involvement

- Former Co-Chair of Civil Procedure subcommittee, Employment Benefits Committee, ABA's Section of Labor and Employment
- Member, Trade Secrets Committee, New York City Bar Association
- Former member, Litigation Committee, Labor and Employment Law Committee, Benefits Committee, New York City Bar Association

Accolades

- *Chambers USA*, Labor & Employment, New York, 2014-2026
- *New York Metro Super Lawyers*®, 2013-2026
- *Lawdragon*, 500 Leading Corporate Employment Lawyers, 2012-2026
- Thomson Reuters, "Stand-Out Lawyers," 2024-2025
- *Benchmark Litigation*, "Labor & Employment Star – New York," 2024
- Burton Legal Writing Award, 2019
- *Law360*, One of four "Health MPVs" in the nation, 2013

Languages

- Modern Greek

Additional Information

Legal Writings

- Co-Author, New York Enacts Revival Statutes, Renewing Expired Claims for Sexual Assault, (*New York Law Journal* at p3. August 2, 2022)
- Co-Author, "Recent Guidance and Amendment Shed Light on NYC Salary Disclosure Law," (*New York Law Journal* at p3. June 1, 2022)
- Author, "Pros and Cons of Arbitration After Recent FAA Amendments," (*New York*

Law Journal at p.3, April 6, 2022)

- Author, “New York Mandates Express Employee Consent to Electronic Monitoring,” (*New York Law Journal* at p.3, February 2, 2022)
- Author, “Accommodating Employees Disabled by “Long COVID,”” (*New York Law Journal* at p.3, December 1, 2021)
- Author, “NLRB’s General Counsel Signals Possible Expansion of Weingarten Rights,” (*New York Law Journal* at p.3, October 6, 2021)
- Author, “Recent Employment Law Developments in California,” (*New York Law Journal* at p.3, August 4, 2021)
- Author, “Mandating COVID-19 Vaccinations in the Workplace,” (*New York Law Journal* at p.3, June 2, 2021)
- Co-Author, “A Shift in Federal Government Priorities For Diversity, Equity and Inclusion,” (*New York Law Journal* at p.3, April 7, 2021)
- Co-Author, “NYC Bans At-Will Employment For Fast Food Workers,” (*New York Law Journal* at p.3, February 3, 2021)
- Co-Author, “Restrictions on Employee Change of Jobs: Antitrust Challenges to “Non-Compete” and “No-Poach” Clauses,” (*ABA Journal Labor & Employment*, Volume 34, No. 2, December 14, 2020)
- Co-Author, “The Duty To Bargain During The COVID-19 Pandemic,” (*New York Law Journal* at p.3, December 2, 2020)
- Co-Author, “Choice-of-Law Provisions in Restrictive Covenant Agreements,” (*New York Law Journal* at p.3, October 7, 2020)
- Co-Author, “Marijuana and the Workplace,” (*New York Law Journal* at p.3, August 5, 2020)

Select Presentations

- Defending (and Defeating) Mental Health Parity and Addiction Equity Act Claims, March 12, 2024

Dorsey Work Watch

June 3, 2026

Why U.S. Companies Cannot Ignore Forced Labor in Supply Chains

April 6, 2026

Amendments to New York City’s Earned Safe and Sick Leave Law

February 4, 2026

Employers Offering Voluntary Benefits Face a New Wave of ERISA Litigation

December 8, 2025

The Importance of Adequate Procedures For Arbitration

October 1, 2025

Recent Developments in Federal Whistleblower Programs and Rules

August 7, 2025

Amendments to New York's Pay Frequency Mandates for "Manual Workers"

June 4, 2025

How have employers defended against challenges to their DEI programs by workers based on principles of standing?

April 1, 2025

What legal challenges does a University face when making payments to an international student-athlete for use of the athlete's name, image and likeness?

February 5, 2025

What are the legal restrictions governing how employers may use artificial intelligence in the workplace?

December 5, 2024

What changes will the new Trump administration make to the federal employment law landscape?

October 10, 2024

Now that a court has enjoined the FTC Non-compete rule, can employers go back to business as usual?

August 11, 2024

What impact has New York's expanded employee whistleblower statute had on the scope of workers' protected activities, and what steps can employers take to mitigate the risks of whistleblower claims?

April 3, 2024

What factors should employers consider in assessing whether their diversity, equity and inclusion practices comply with Title VII?

December 5, 2023

What obligations do employers have in responding to employees' objections to vaccine mandates following the Supreme Court's decision in Groff v. DeJoy?

October 6, 2023

What impact will the recently enacted New Jersey Temporary Workers' Bill of Rights have on temporary staffing agencies and their clients?

Insights

July 1, 2024

Navigating the New FTC Rule Against Non-Compete Provisions

April 25, 2024

FTC Prohibits Noncompete Agreements; Business Groups Sue

April 2, 2024

Assessing the Legality of DEI Programs

July 6, 2023

Dorsey Partner Nicholas Pappas Discusses AI in NYC's Hiring Process on Bloomberg Law

July 4, 2023

Dorsey Partner Nick Pappas on New NYC Regulations on Using AI in Hiring Decisions

April 13, 2023

Dorsey Partner Nicholas Pappas Discusses NYC Enforcing Restrictions on AI in Hiring Starting July 5

February 2, 2023

Changing Rules Governing Artificial Intelligence in Employment

January 25, 2023

New York Governor Hochul Signs New York Pay Transparency Bill Into Law

January 10, 2023

FTC Takes First Step to Make Good on Promise to Curtail Non-Compete Agreements

December 6, 2022

Liability Under State Law for Causing WARN Act Violations

November 23, 2022

Pappas Provides Insight on NYC Pay Transparency Law