

# Welcoming Evan Citron

By Evan B. Citron & Douglas J. Klein

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## Meet the Authors



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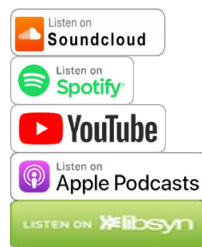
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## Details

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Our We get growth series of Jackson Lewis' We get work™ podcast welcomes and highlights new colleagues and reinforces the essence of Jackson Lewis teamwork and inclusion—delivering the value-added knowledge, support, and guidance our clients need.

Jackson Lewis P.C. · Welcoming Evan Citron



## Transcript

Welcome to this special series of Jackson Lewis' We get work™ podcast, focused on introducing the newest members of our legal team to our clients and community. Our We Get Growth series welcomes and highlights new colleagues and reinforces the essence of Jackson Lewis teamwork and inclusion, delivering the value-added knowledge, support, and guidance our clients need. Today, we welcome Evan Citron, a principal in the New York City office of Jackson Lewis.

Evan's arrival brings a fresh perspective and a wealth of experience that aligns seamlessly with Jackson Lewis' value and culture, along with more than 15 years of experience in all aspects of employment litigation, including class action and wage and hour litigation. His practice focuses on representing employers in single and multi-plaintiff cases under anti-discrimination laws, as well as defending employers against wage and hour class and collective actions brought under the FLSA and various state laws. When asked why Jackson Lewis, Evan answered that he's always been motivated by the human element of employment law. And he became very excited about the chance to join a talented group of lawyers whose passion for the law and people was aligned with his own.

Doug Klein, the office managing principal of the New York City office, sat down with Evan to talk about his experience, interests and what it means to join Jackson Lewis.

Well, Evan, I have to say it is truly a pleasure and an honor to be recording a podcast with you. When we spoke at length about you joining Jackson Lewis, I was reluctant to tell you that there would be a podcast included in the onboarding process. But here we are. And you have agreed to sit for this interview. So thank you and welcome.

Begrudgingly. Begrudgingly. It's ironic that you might have been reluctant to share

that with me because I've since shared with you that my long game is for us to have a regular podcast together.

Yes, and this is our test run and we'll see if we succeed. So let's jump right in because I know that the listeners are interested to know. Tell us a little bit about your background and your experience and why you chose to come to Jackson Lewis at this point in your career.

Absolutely. After I graduated law school, I spent six years at Proskauer Rose where I was a member of their litigation department doing primarily complex commercial litigation. And after six years stint there, I transitioned to Ogletree Deakins, where I spent nearly 11 years focused on employment litigation. And I so enjoyed the transition to employment litigation. I found the cases quite stimulating and colorful and challenging. I found a real sense of purpose in the work because there was a human element that was, I found far more accessible than that that I'd found in the complex commercial litigation work I had done previously.

And I very much enjoyed partnering with our clients and helping them navigate. It's a very challenging, very fluid, constantly evolving landscape here in New York state and New York City. So I felt quite fortunate to build a practice in this area. Most of my work was wage hour, class and collective litigation. Though I also did a significant amount of discrimination, retaliation and harassment cases under those laws. And I also did some work in the Title III accessibility, architectural and website accessibility areas.

So when we first started talking, I was very excited to hear about all that was happening at Jackson Lewis. And not only did I find someone in you who I felt was quite like-minded and whose company enjoyed, but I was very interested to hear what was going on with the office and the firm and not just where things stood, but how, as you recently took your role, what you were envisioning the next several years looking like for the office and became quite excited about the chance to join what seemed to me to be a very talented, deep group of employment litigators and counselors here in New York City.

You talked about the human element to employment law. Talk a little bit more about that. What is it about the clients and the work that you've been exposed to? Is it the varying industries? Is it any particular issue that's really piqued your interest? Is there a particular experience that you have? What is that human element about it that's so meaningful to you?

I think it's interesting for me, having spent the first part of my career in complex commercial litigation, which is so much of large company A is suing large company B. And there's a complex dispute of that type. And although that work was challenging, because I think of the nature of the parties and the issues that I tended to be dealing with there, I did feel like there was a human element that was lost or was not as accessible to me. That disappeared once I started doing employment cases.

To me, the human element is really ever-present and accessible. It's not just the fact that most of the cases involve individual, current or former employees of our clients and getting acquainted with whatever was driving the nature of their claims there. But on our end, partnering with our clients, the HR folks, the in-house folks, working

closely with them to get our arms around what was happening with these particular employer employees, how these claims arose, and not just in terms of dealing with litigation, but partnering with them and adapting to the ever-changing regulatory and legal scheme here in the state and city. It's a very fluid area. And I think working in employment gives you a much greater appreciation for the fact that all of the decisions we're doing are affecting people, not just in terms of a litigation that we're managing, but when we're counseling on laws that are changing rapidly, this is going to affect not just the companies that we work with, but the people with whom we built relationships, the HR folks, the in-house folks who are trying to make decisions, make sure that their companies are well situated to deal with these changes. And obviously, all of these changes are going to affect their employees and their workforces. So in that regard, I would say. The human element. The human element. Yeah. Yeah.

And in terms of the legal landscape in New York state, New York city, what are the issues you think that employers here should have top of mind in 2024?

It's so fascinating practicing in this area because we'll get into some of that. But the fact is that in a month or a few months from now, it could look different. We can look ahead and get some sense of what's coming down the pike. But we're in a state in a city that seems to me to always be at the forefront of pushing and evolving. Competing with California. Competing with California. I think it's right. You have New York and California always seem to be kind of leading the charge in terms of changes of law. And in time, we tend to see those changes filter down to other areas of the country. But when you're in New York or California, you're really dealing with it in real time. And that can be really exciting, but really challenging.

So I think when I just think about my practice, for example, at the end of last year, we saw expansions of the protected characteristics under the anti-discrimination laws to recognize for the first time height and weight discrimination. I think this is something that we had identified for a while as likely being kind of the new frontier of the expansion of those laws. But as we were just talking about, New York tends to be among the first of these early adopters to find, recognize rather new categories of protected characteristic. And then we'll see the rest of the country probably follow suit.

We've also seen, I think, continued reverberations from the MeToo movement, expansions in confidentiality provisions for settlement that started with cases that were more classically associated with the MeToo movement, but now have broadened to cover any manner of discrimination and harassment and retaliation.

In the wage hour front, I've been quite fascinated to watch what's going on with section 191 of the New York Labor Law. These are the frequency of pay cases involving manual workers, where prior to 2019, we had decades and decades of case law providing for an absence of a private right of action for violations of that statute. But in 2019, we received this first department appellate division decision recognizing for the first time a private right of action. And we saw the plaintiff's bar shift.

The floodgates open. And what's been fascinating is you have this one decision in 2019 kind of upend the prior regime and understanding of this area of the law, twist things in a completely different direction. And it's been fascinating watching it, especially having it happen kind of alongside the pandemic, which was ushering in its own set of changes and challenges for employers. But you see this one very consequential

decision and we watch how the state courts react, how the federal courts react, and how the Department of Labor is reacting. As you know, because we've talked about it at length, we are continuing to get decisions that spin the issue in a different direction and add new layers and dimensions to not just the law, but the arguments and angles that we're seeing advocates take on both sides of the bar. So it's been really interesting to watch something evolve in real time. This is something that I feel like when we were in law school you're studying or once you're getting acquainted, say, to RA or the law employment, you can watch in hindsight the evolution of the law. But to watch it kind of play out real time where we are, tomorrow we may have a consequential decision that we are going to factor into motions and briefs that are in process right now. And may factor into an oral argument that's coming up in a couple of weeks from now. So that's really quite interesting. Cutting edge. Cutting edge, I would say, yes.

So I was obviously when we met interested to learn about you, to hear about your practice and the areas that are of most interest to you and where you see yourself going. But one thing that really stood out to me was how much you said you appreciated an opportunity to help grow and develop associate attorneys, junior attorneys. Talk to me a little bit about that. What has your experience been? Did you have a mentor as a junior attorney that really meant something to you? And why is that something?

That was a great lead because that's where my mind was going. When I was a first year associate, I joined Proskauer Rose. I was immediately put on a very active, very intense, very rapidly moving, stressful litigation. And I was working very closely with the fourth year. And boy, am I grateful for her. It was an incredible relationship for me, not just a deep friendship that I formed. And as I know you can relate to, and I'm sure lots of folks listening can relate to, when you're working in a stressful, challenging environment and you feel like you're part of a team, and you feel like a teammate has your back and you have your teammates back. And if when you're willing to stay later at night to spare someone that you care about having to stay even later at night, you know, that's one of the really, it's one of the most rewarding things that I found in our work. And this fourth year took a real interest in me and she was the person that I could ask all my questions to, not just in terms of the case we were working on, but in terms of being new to the firm, trying to navigate what it means to be working at a firm, at a law school, my first job in our field. And I've always been grateful for that. It meant so much to me in every respect, professionally, emotionally, to have someone that I could go to who became a confidant, but also someone who really helped train me.

You know, I've been fortunate to have worked at firms with lots of talented lawyers at all levels. But depending where you are in your career, you're going to have different amounts of exposure, different types of exposure to the different lawyers that are in your office.

And when I was at that firm, I had a lot of contact with mid-level associates because of my role as a junior associate. And this is someone, and there were some others too, they pointed me in the right direction. They taught me how to improve my writing, how to approach all the different elements of a litigation that at that time I would have been responsible for. So I've always been grateful for that and I've always wanted to pay it forward. So I've always tried to be conscientious when I'm working with

associates, of those associates who were so kind to me and became invested in me emotionally and my development. I always try and take time when I'm working with associates, not just to help familiarize them with my general approach to things, but have to try and walk them through how I learned, what it is that I've learned, how I was trained.

When you work with a range of attorneys, you're not necessarily going to love everything that every attorney does. But the beauty of that is you can pick as you're kind of fashioning your own style. You can pick and choose from the folks that you've been exposed to. I love the way X did this. You know, I'm going to borrow that from X. I love Y's approach to this. I'm going to borrow that from Y. And that's how I think we kind of fashion our own style. So I don't think I have a monopoly at all. You know, I like to kind of share with junior associates, you know, how I like to do things and what lessons have been helpful and meaningful for me, but also encourage them to kind of keep their eyes open because, you know, at my prior stops and certainly here, I know we have a lot of really talented lawyers who have a lot to offer our junior associates and you just want to make sure it's such a critical time for their development that they're kind of getting the exposure they need so they can start really building themselves into the lawyers that we know they're capable of becoming.

Yeah, it's a career, certainly a marathon, not a sprint. I've always viewed our associates in particular as sort of engaging in an apprenticeship. Yes. Because you get out of it what you put into it. And it sounds like any associate who has an opportunity to work with you would be very lucky.

That's very kind of you say. I'm reminded of Chris Rock had a great line. He was giving an interview once talking about how he decided kind of he was going to take comedy seriously. And he said he started to realize it wasn't a job. It was a career. And your observation really that makes me think of that line because, you're right, it is a career. You're at a law school and the hope is that you're gonna be practicing for a long while, decades, and you can't be sure what the trajectory of your career is gonna be like. But we're always learning. I love writing, I take writing really seriously. I learned a long time ago, there's always room for improvement as a writer. That's gonna be a lifelong thing for me, trying to become a better writer and better in all the things that we do. And part of that is learning from the people around you and enhancing, you know, your own skill set because we're so much stronger together.

It's not the first time that something I've said is invoked Chris Rock, but I do. That's true. I do appreciate that all the same. That's true. You, there's a lot of rock synergy. And you talked about all the things that we do. I know that you do have a life outside of work and we do want to explore that a little bit. I've heard something about coaching your son's football team. Now you don't strike me as a football player per se, but talk to me a little bit about how you got into coaching and what scheme are you running and what qualifies you frankly to be doing something like that?

First of all, I know we're not on video, but I'm deeply offended to hear your surprise, you know, that I'd be involved in football or that I don't strike you. As a football player, I want you to know that when I was a freshman in high school, I did play JV football. For one year. For one year, until I suffered a career ending injury. That's an emotional injury. No, no, that was a, this would be a topic for another podcast. I in the friend

group, I'm the friend who sustains them, like the craziest injuries. Okay. So I sustained an injury called a third degree tendon avulsion that my father made up. It sounds made up, but I went to see a hand specialist in my area and he was in a very experienced position that he had never seen that injury before. Wow.

And I remember when he looked at the film, he said, now, how did you do that? In any event that spun me away from football and I spent the rest of my high school career in theater. However, I learned a lot that one year and I think that well equipped me to coach my 11 year old son's flag football team. As you might expect, Doug, I'm not a fire and brimstone taskmaster coach, just like there are different styles of lawyering, there are different styles of coaches. I'm proud to say we had a great year, maybe not in terms of wins, but in terms of attitude and dedication. We didn't show much improvement, but the guys had a lot of fun and I'm hopeful that next year we can eclipse the New York Jets win total.

It should be a low bar.

Right, right. You've been asked to come back next year. I have been asked. I've been asked to come back. I was shocked that at the end of our last game, several parents came up and kind of thanked me and asked me if I was going to be coaching again. Was not expecting those accolades given our win total, but it certainly helped my self esteem that day.

That's good. Yeah. Good. Just a little bit on hobbies and interests. You mentioned theater. Is that something that you've maintained interest in?

I love theater. Ever since fifth grade, I was a theater kid. You know, it's so good for kids. I think about this a lot because I have an 11 year old and a seven year old and they're starting to express interests. And I realized some of them are like mine, but some are different. But thinking back to those ages, it's so good to be involved. And no matter what you're doing, whether it's sports or whether it's theater or whether it's model UN, whether it's the chess club or something else. I think it's really important. I know that probably don't have tons of listeners in the nine to 11 demo here.

Not yet. Not yet.

But I often think back to extracurricular work that I was doing in junior high school and high school. And that's where I learned a lot about discipline. It's where I learned a lot about delayed gratification. It's where I learned a lot about teamwork and what it means to be a good teammate. And theater is particularly interesting because I spent a lot of time on stage.

So when I have an oral argument, I can't help but kind of revisit monologues that I did in high school theater. And there are some questions that I think are similar, which is who's the audience? And what's the message? And what's the best, most impactful way for me to kind of relay the message? But I do love theater and we're fortunate to live in New York City, so I love to see things when I can. And it's a real privilege to live in the city. I love the arts and the culture. And as you know, I'm a big movie in music guy, especially from our favorite decades, the 1980s and 1990s. I've heard that. Which is why I'm so frequently quoting the great cinematic and musical works of that golden era.

What monologue would you say that you delivered that really stands out?

That is a phenomenal question. I'm going to have to... I know you know the answer. I do know the answer. I don't know that it will be as riveting for our listeners as it will be for me to recount, but when I was in a chorus line in 10th grade. This is an easy answer. I was in the chorus line in 10th grade. I had a phenomenal monologue. I played this guy named Paul on the line. Chorus line's a great show. Sure. That too. You can't help but think about teamwork and ensemble because it's a line of folks. I can't remember if it's 13 or 15, but everyone has their own kind of moment in the show and everyone's bringing their own experience to the show. Ultimately, everyone's dancing together and you see the beauty of a group that comes together.

But this monologue was, it was like a two or three page monologue. It was kind of serious, dark monologue because Paul had undergone a lot of trauma in his life and had a lot of issues with identity and his sexual orientation and his family and rejection. So I was 15 years old and I remember really kind of just grappling with the gravity of it, but I worked really hard on it and it was deeply rewarding. And certainly the apex I would say of my high school career, eclipsing even as you know, my senior year role as Danny Zuko in Grease. Right.

How could anybody forget that? How could anyone forget that? That sounds like a great memory and it sounds like you did a great job. And you could state that monologue right now if you had to. I could do.

You know, that's a great question. Everybody's sitting on the edge of their seats right now wondering, is he going to do it?

I probably have to sharpen it up a little bit.

OK. We can do this again sometime. Yeah, we can do it again.

I think we can do a recurring, kind of recurring me revisit my theater glory. Yeah, my interest is peaked.

Evan, with our last few moments here, I want to say something and then ask you a question. What I want to say is, welcome to Jackson Lewis. We are thrilled to have you here. I know what it took for you to make a career change at this point, and we are just thrilled to have you, and I think the sky is the limit for you here. So thank you for coming here, and we are going to be a much better place because we have you, and I believe that you are going to be much better off and the sky's gonna be the limit for you. So welcome. What do you want to achieve here? Where do you see yourself going in the next five, 10, 15 years? What will be a successful decision for you to join Jackson Lewis and a successful fulfilling career for you? What does that look like?

So first of all, I wanna say thank you for those kind words and let you know and all of our listeners know, I hope become dedicated listeners once we pivot this to a regular weekly if not daily podcast, how excited I am to be here and how grateful I am for the opportunity. It's been such a pleasure getting to know you and getting to know the other folks here in the office. And now over the past couple of weeks, I've gotten the chance to know some people outside the office. And I've just been so struck by the caliber of lawyer and people that you have here. So I'm really thrilled to be here. And I'm looking forward to, it's a great question.

What I really want to do is reach my potential. And what that looks like, I don't quite know yet. I'm hoping that we can discover that together. But I knew to do that, I needed to be in a place like this one and partnering with people like you and the other members of our office. I think that the challenges in this area are steep. We talked earlier about how fluid this geographic area is. And of course, this area that we practice in is. And when you're litigating like we are in federal courts in New York and state courts in New York and before these agencies, you're, in my view, you're litigating at the highest level, you know, not just in terms of the folks that we work alongside here, but it's the highest caliber of jurists and the highest caliber of adversary. And I'm really thrilled about my whole life when I kind of visualized adulthood and my working existence. The thing that most excited me was working with a bunch of smart people who were hard workers and being part of a really talented team. And I'm thrilled to join a very talented team here. And I'm looking forward to growing my practice and contributing to what I think is going to be a phenomenal, what is and will continue to be a phenomenal office here.

I know that this decision, which you didn't take lightly, is going to prove to have been a good one and you will absolutely fulfill that potential. So welcome and thank you. Thank you so much. And thank you to our listeners and we will see you next time. See you next time.

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