

David J. Freedman

Partner

Higher Education Industry Group Chair Alternative Dispute Resolution Service Team Co-Chair

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OVERVIEW:

David Freedman is a partner in the firm's **Employment Practice Group**, concentrating his practice in the areas of **employment litigation** and counseling, higher education law, and business **immigration**. He also chairs Barley Snyder's **Higher Education Industry Group** and co-chairs the **Alternative Dispute Resolution (ADR) Service Team**.

Employment Litigation

David represents public and private employers of all types and sizes - including employers in the health care, higher education, and hospitality industries - in litigation before state and federal courts and administrative agencies. David has represented employers in claims brought under Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), the Age Discrimination in Employment Act (ADEA), the Family and Medical Leave Act, the Fair Labor Standards Act (FLSA), the Combined Omnibus Budget Reconciliation Act (COBRA), the Pennsylvania Human Relations Act (PHRA), the Pennsylvania Wage Payment Collection Law, the Pennsylvania Minimum Wage Law, the Pennsylvania Whistleblower Law, and the Pennsylvania Unemployment Compensation Law, among others. As a litigator, David has:

- Defended an FLSA collective/class action involving a multimillion dollar claim with over 2,000 plaintiffs against hospitality industry client

- Obtained summary judgment in the U.S. District Court for the Eastern District of Pennsylvania for a hospital-employer in case alleging violation of Title VII based on refusal to accommodate geriatric nurse's claimed religious objections to influenza vaccination requirement

- Served as lead counsel before the Pennsylvania Human Relations Commission and the U.S. Equal Employment Opportunities Commission defending a health care system against approximately 30 claims of

failure to accommodate religious objections to COVID-19 vaccination requirement

- Obtained a trial verdict in favor of an employer in a suit brought by a terminated long-term employee alleging worker's compensation retaliation in the U.S. District Court for the Eastern District of Pennsylvania

- Obtained trial verdict in the Adams County Court of Common Pleas in favor of a health care system against claims by a terminated physician for alleged violation of Pennsylvania Whistleblower Act

- Obtained a preliminary and final injunction from the Adams County Court of Common Pleas in favor of a health care system preventing a former employee-physician from establishing a competing medical practice

- Successfully defended a health care system against declaratory judgment and preliminary injunction action in York County Court of Common Pleas seeking to invalidate a neurosurgeon's non-competition agreement

- Obtained summary judgment in the U.S. District Court for the Middle District of Pennsylvania for an employer in an age discrimination case in which the plaintiff sought more than $2 million in lost wages and liquidated damages

- Obtained dismissal from the U.S. District Court for the Middle District of Pennsylvania of case against a health care system alleging violations of the Employee Retirement and Income Security Act (ERISA), the ADEA, the False Claims Act and various state law tort claims

- Convinced the Pennsylvania Commonwealth Court to reverse an administrative ruling permitting an employee terminated for falsifying documents to obtain unemployment compensation benefits

- Obtained summary judgment for an employer in a case involving allegations of race and age discrimination brought by a 30-year employee in the U.S. District Court for the Middle District of Pennsylvania

- Obtained summary judgment for an employer in a case involving allegations of race discrimination in the U.S. District Court for the Western District of Pennsylvania

- Obtained early dismissal of a sexual harassment claim brought against a local government in the U.S. District Court for the Eastern District of Virginia

- Successfully argued before the United States Court of Appeals for complete reversal of a $23 million remedial order entered against a local government under Title II of the ADA

- Obtained a trial verdict in favor of a property owner in a breach of contract action arising out of the restoration of a landmark

- Handled more than 70 unemployment compensation referee hearings and 40 appeals before the Pennsylvania Unemployment Compensation Board of Review

Labor and Employment Counseling

David also counsels employers on issues related to employee discipline, termination, workplace harassment, wage and hour compliance, and compliance with federal and state laws such as the Fair Labor Standards Act, the FMLA, Title VII, the ADA, the Fair Credit Reporting Act and numerous other employment laws. He has experience counseling employers from a wide variety of industries including the hospitality industry. Some examples of David's counseling experiences are:

- Providing training in the labor and employment laws in both English and Spanish

- Assisting employers in conducting confidential internal investigations into allegations of workplace sexual harassment

- Conducting internal sexual harassment investigations in Spanish

- Performing audits to ensure proper classification of employees' exempt/non-exempt status under the FLSA and the Pennsylvania Minimum Wage Law. (He has also conducted audits of workers' status as an independent contractor/employee under several laws including the Pennsylvania Unemployment Compensation Law.)

- Assisting employers in responding to investigations by government agencies, such as the United States Equal Employment Opportunity Commission, the United States Department of Labor, the Pennsylvania Human Relations Commission, and the Pennsylvania Department of Labor and Industry

- Assisting employers in evaluating their pre-employment screening procedures for compliance with the Fair Credit Reporting Act, the Pennsylvania Criminal History Information Act, the ADA and Title VII

- Assisting restaurants in complying with the intricacies of the "tip credit" under federal and state wage and hour laws

- Drafting complete employee handbooks and reviewing specific policies to ensure compliance with state and federal laws, such as Title VII, the ADA, the ADEA, the FMLA, the PHRA and the Genetic Information Non-Discrimination Act (GINA). (He has drafted some of these policies in Spanish for employers with large Spanish-speaking employee populations.)

Higher Education Litigation and Counseling

David provides extensive counseling and training for administrators, faculty and staff regarding student rights and discipline issues arising under a host of federal and state laws including the Pennsylvania Fair Educational Opportunities Act, the Pennsylvania Human Relations Act, the Americans with Disabilities Act, Title IX of the Educational Amendments Act, the Clery Act, and the Violence Against Women Act. David has assisted colleges and universities in drafting and implementing Title IX-compliant sexual misconduct policies and grievance procedures. David has also served as a part-time Title IX coordinator at a private college in Pennsylvania, giving him a unique "insider's" perspective regarding the complex nature of Title IX compliance. He has conducted extensive, comprehensive internal Title IX investigations. David also provides institutions with counseling regarding faculty hiring, promotions and tenure removal issues. David has also represented public and private colleges and universities in a diverse array of litigation matters. Some of David's more notable litigation matters for colleges and universities include the following:

- In a matter of first impression, David convinced the Pennsylvania Commonwealth Court that students cannot assert claims against institutions of higher education for disability discrimination under the Pennsylvania Human Relations Act for failure to accommodate students' use of marijuana, even when such use is authorized under the Pennsylvania Medical Marijuana Act.

- Obtained summary judgment in the U.S. District Court for the Middle District of Pennsylvania in suit brought by former nursing student who alleged that she was removed from the nursing program based on her race

- Obtained summary judgment on damages claim brought by a suspended student alleging that a private college violated Pennsylvania common law by failing to follow internal discipline procedures

- Successfully settled Title IX claim against a college based on a terminated professor's allegedly non-consensual sexual contact with student

- Successfully defended dozens of claims before the Pennsylvania Human Relations Commission, the U.S. EEOC, and the U.S. Department of Education's Office for Civil Rights by former administrators, faculty, staff and students.

Immigration

David counsels employers and individuals regarding their immigration needs. He has assisted employers in securing non-immigrant work visas and legal permanent residency for new hires and transferring employees within multi-national companies. David also counsels individuals and businesses regarding various immigrant investor programs. His current business immigration work includes:

- Representing individuals seeking EB-1 immigrant visas, including foreign nationals of outstanding ability, outstanding researchers and executives of multinational corporations

- Assisting individuals in obtaining a wide variety of employment-based temporary visas, the H-1B specialty occupation visa, the L visa for intercompany transferees, the E visa for treaty traders or investors and the O visa for individuals with extraordinary abilities in the areas of science, art, education, business or athletics

- Assisting food and agribusiness clients in employment law, specifically with I-9 compliance

- Assisting employers addressing the nuances of the optional practical training program for employment of F-1 student visa holders

- Filing lawsuits against USCIS in federal district court challenging unreasonable delays in visa processing and arbitrary and capricious denials of employment-based visa applications under the Administrative Procedure Act

Pro Bono

David also maintains a robust pro bono immigration practice, representing victims of domestic violence, sexual assault and LGBT persecution. He has handled asylum, U-Visa cases, and has represented a *habeas corpus* petitioner. David currently serves as the lead attorney in the U Visa Litigation Project, which has involved filing federal lawsuits against the U.S. Department of Homeland Security for failure to timely decide U visa petitions filed by victims of domestic violence and sexual assault. The Project is a joint effort among the Pennsylvania Immigration Resource Center, volunteer law students from the University of Pennsylvania Carey School of Law, and volunteer attorneys from the Lancaster County Bar Association, the York County Bar Association, the Dauphin County Bar Association, and the Federal Bar Association for the Middle District of Pennsylvania. The Project is a "first of its kind effort" and its efforts have been chronicled in a number of media outlets including *The Associated Press*, *The Philadelphia Inquirer*, and CBS-21 News. David is in the processing of assisting the creation of a similar project in the Richmond, Va. area. David also previously volunteered for the Pennsylvania Innocence Project, investigating inmates' claims of wrongful conviction.

Prior Experience

Prior to joining Barley Snyder, David served as an assistant city attorney for Richmond, Va., representing the city in police liability and other civil rights matters under 42 U.S.C. 1983, the Voting Rights Act, Title VII, the ADA, as well as cases involving construction law, automobile accident liability and other miscellaneous tort and criminal matters.

Earlier, David was an associate with McGuire Woods, LLP, in that firm's Richmond, Va., office. David started his legal career as a law clerk for the Honorable Sylvia H. Rambo, U.S. District Judge for the Middle District of Pennsylvania.

EDUCATION:

- University of Richmond School of Law, J.D., Magna cum laude, University of Richmond Law Review, editor and staff member
- George Mason University, B.A. in Philosophy and Spanish

ADMISSIONS:

- Pennsylvania
- Virginia
- U.S. District Court for the Middle District of Pennsylvania
- U.S. District Court for the Eastern District of Pennsylvania
- U.S. District Court for the Western District of Pennsylvania
- U.S. District Court for the Eastern District of Virginia
- U.S. District Court for the Western District of Virginia
- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Fourth Circuit
- Supreme Court of the United States

PRACTICE AREAS:

- Employment
- Labor Law
- Employment Litigation
- Immigration
- Employment Training and Professional Development
- Higher Education

- Crisis Management
- Litigation
- Appellate Litigation
- Alternative Dispute Resolution (ADR)

INDUSTRY GROUPS:

- Hospitality
- Food & Agribusiness

COMMUNITY INVOLVEMENT:

Lancaster Bar Association
Former President (2021), Vice President (2015 and 2019), Board Member (2015 and 2019-2022), and Labor & Employment Law Section Chair (2014-2015)

CWS Lancaster
Former Advisory Board Member (2016-2021)

La Academia Partnership Charter School
Former Board Secretary (2014-2016), Board of Trustees (2010-2016)

Clare House
Former Board Member (2009-2014), Vice President (2013), President (2013-2014)

Economic Development Company of Lancaster County, Human Resources Committee
Former Member

United Way of Lancaster County
Personnel Committee, Former Member

RECOGNITIONS:

- George Mason University Alumni Association's Distinguished Alumnus of the Year Award (2022)
- Central Pennsylvania Business Journal's Power 30 Award, Top 30 Most Influential Legal Professionals in Central Pennsylvania (2021 & 2022)
- George Mason University College of Humanities and Social Sciences, "Community & Catalysts

Award" (2021)

- Central Penn Business Journal's "Legal Excellence Awards" for Pro Bono Excellence (2021)
- Pennsylvania Immigration Resource Center's Light of Liberty Award as Pro Bono Attorney of the Year (2015, 2018, and 2021)
- Select Lawyer, Polk-Lepson Research Group; Labor and Employment Law (2016)
- Pennsylvania Rising Stars (2015)
- Central Penn Business Journal's Forty Under 40 list (2013)
- University of Richmond's McNeill Law Society Legal Writing Contest: First Prize (2001)

MEMBERSHIPS:

- Lancaster Bar Association
- York Bar Association
- National Association of College and University Attorneys
- American Immigration Lawyers Association

PRESENTATIONS:

- "Employment Law Update 2025: Navigating Recent Federal Changes and the Impact of President Trump's Second Term", 42nd Annual Barley Snyder Employment Law Seminar (May 2025)
- "Re-defining Win: How to Advantageously Settle Employment Law Litigation", 41st Annual Barley Snyder Employment Law Seminar (May 2024)
- "Religious Accommodations in the Post-COVID Era," 40th Annual Barley Snyder Employment Law Seminar (May 2023)
- "Anatomy of an Employment Discrimination Lawsuit,"40th Annual Barley Snyder Employment Law Seminar (May 2023)
- "Getting in the Weeds of Medical Marijuana,"40th Annual Barley Snyder Employment Law Seminar (May 2023)
- "Religious Accommodations in the Workplace," 39th Annual Barley Snyder Employment Law Seminar (May 2022)
- "2021 Immigration Update for Employers", 38th Annual Barley Snyder Employment Law Seminar (May 2021)
- "COVID-19 Vaccines: The Impact on Higher Education", Barley Snyder webinar (January 2021)

- "2019 and 2020 Federal Update", 37th Annual Barley Snyder Employment Law Seminar (September 2020)
- "Expanding the Scope of Employer Responsibilities & Employee Protections", 37th Annual Barley Snyder Employment Law Seminar (September 2020)
- "Immigration Compliance in the COVID-19 Era", 37th Annual Barley Snyder Employment Law Seminar (September 2020)
- "Employee Handbook Must Haves", 36th Annual Barley Snyder Employment Law Seminar (May 2019)
- "Immigration and Employment Law Update", Pennsylvania Bankers' Association Agriculture Lending Summit (April 2019)
- "Employee Handbook Must Haves", Lancaster Chamber (March 2019)
- "Worksite Enforcement for the Hospitality Industry", Pennsylvania Restaurant and Lodging Association (March 2019)
- "Hot Topics in Employment, Labor & Immigration", Barley Snyder Food & Ag Summit (February 2019)
- "Workplace Investigations in the Era of the #MeToo Movement," 35th Annual Barley Snyder Employment Law Seminar (May 2018)
- "Immigration Issues for Businesses", Gettysburg Adams Chamber of Commerce seminar (March 2018)
- "Immigration Issues for Businesses", Lancaster SHRM Fall Legal Update 2017 (September 2017)
- "Enforcement Priorities in the Trump Era", Workforce Forum (June 2017)
- "The Human Side - Employment and Immigration Compliance Issues", The Summit for Food & Agribusiness (May 2017)
- "Key Policies and Trends for Employee Handbooks and Policies", 34th Annual Barley Snyder Employment Law Seminar (April 2017)
- Key Issues in Drafting Personnel Policies, County Commissioners Association of Pennsylvania Annual Conference (May 2017)
- "Sexual Orientation and Gender Identity", 33rd Annual Barley Snyder Employment Law Seminar (May 2016)
- "Workplace Investigations", 33rd Annual Barley Snyder Employment Law Seminar (May 2016)
- "Anatomy of a Lawsuit: Strategies for Defending Employment Litigation in State and Federal Courts", Barley Snyder Employment Law Seminar (April 2015)
- "Workplace Enforcement Avoiding I-9 Issues & Pitfalls", 32nd Annual Barley Snyder Employment Law Seminar (April 2015)
- "Key Policies and Trends With Respect to Employee Handbooks", Lancaster Chamber of Commerce

& Industry, Professional Development Friday (May 2015)

- "Social Media in the Workplace", Pennsylvania Bar Institute (August 2014)
- "Be Careful What You Test For It Might Land You in Court: The Legal Pitfalls of Pre-Employment Screening and Testing", 31st Annual Barley Snyder Employment Seminar (May 2014)
- "Immigration Law: Where Things Stand and Where Things Might Be Going?", 31st Annual Barley Snyder Employment Seminar (May 2014)
- "Hot Topics in Employment Law", ACC Seminar: What Keeps You up at Night? (September 2013)
- "Navigating the Minefield: Advanced Strategies for Managing ADA, FMLA, and Workers' Compensation Leave", 30th Annual Barley Snyder Employment Seminar (May 2013)
- "Be Careful What You Test For; It Might Land You in Court: The Legal Pitfalls of Pre-Employment Screening and Testing ", 29th Annual Barley Snyder Employment Seminar (May 2012)

LANGUAGE:

- Spanish

CLERKSHIPS:

- Law Clerk to Hon. Sylvia H. Rambo, U.S. District Court for the Middle District of Pennsylvania (2001-2003)

RELATED NEWS:

- U.S. Supreme Court to Settle Whether Employees Can Sue Under Title IX
  October 26, 2026
- Department of Education Formally Restores 2020 Title IX Framework and Removes Vacated 2024 Rule
  October 7, 2026
- U.S. Supreme Court Clarifies Limits of the Federal Arbitration Act in Two Key Decisions
  June 17, 2026
- Federal Reclassification of Medical Marijuana: What Pennsylvania Employers Should Do Now
  May 21, 2026
- Title IX Procedures in the Shadow of Potential Defamation Claims
  May 20, 2026

- Federal Reclassification of Medical Marijuana: What Pennsylvania Colleges Should Do Now
  May 8, 2026
- U.S. Supreme Court to Decide Two Cases That Could Reshape the Scope of Arbitration
  February 27, 2026
- Trump's Proposal to Re-Classify Marijuana: What it Could Mean for Pennsylvania Colleges?
  January 12, 2026
- U.S. Department of Education Releases New Title IX Regulations
  April 22, 2024
- U.S. Supreme Court Eases Employees' Burden of Proof in SOX Retaliation Cases
  February 13, 2024
- Colleges Should Make Title IX/Clery Act Training Compliance Their New Year's Resolution
  January 4, 2024
- Pennsylvania Immigration Resource Center Recognizes Barley Snyder as the Light of Liberty Law Firm of the Year
  September 29, 2023
- Supreme Court Clarifies Standard Related to Employer Accommodations of Religious Beliefs
  June 30, 2023
- Barley Snyder Partner David J. Freedman honored by George Mason University Alumni Association
  November 10, 2022
- Barley Snyder Partner Freedman Wins Alumni Award
  November 10, 2021
- Barley Snyder Partner David Freedman Receives 3rd Light of Liberty Award
  September 30, 2021
- U.S. Department of Ed Wont Enforce Title IX Cross Examination Regulation
  August 30, 2021
- Barley Snyder Attorneys Elected to Lancaster Bar Posts
  February 1, 2021
- COVID-19 Vaccine Webinar Series
  January 12, 2021
- Fixing the U Visa Backlog
  January 5, 2021
- Pennsylvania Asks Higher Education to Go Virtual
  December 22, 2020
- Should Employers be Preparing to Mandate COVID-19 Vaccines?
  November 23, 2020
- New COVID-Cautious Recommendations for Higher Education
  November 19, 2020

- Hospitality Highlights August 2020
  August 11, 2020
- Barley Snyder Partner David Freedman to Lead Education Group
  August 3, 2020
- Barley Snyder Partner David Freedman Named to Statewide COVID-19 Task Force
  July 27, 2020
- Scope of Temporary Visa Ban Remains Unclear
  July 2, 2020
- Camp Closures Now Covered for Paid Employee Leave Under FFCRA
  June 29, 2020
- Extended Immigration Ban Suspends Popular Temporary Visas
  June 24, 2020
- Supreme Court Blocks DACA Elimination
  June 18, 2020
- Immigration Ban Has Limited Reach (for Now)
  April 23, 2020
- DOL: Employers Must Document Paid Leave for Payroll Tax Credit
  March 31, 2020
- Alternative Form I-9 Compliance Available During COVID-19 Crisis
  March 26, 2020
- Barley Snyder Partner David Freedman to Lead Lancaster Bar Association
  January 24, 2020
- DOL Updates Guidance Regarding the Tip Credit for Side Work
  February 19, 2019
- David Freedman Named Vice President of Lancaster Bar Association
  February 12, 2019
- Barley Snyder Partner David Freedman Earns Pro Bono Award
  June 14, 2018
- H-1B Visas: File Now or Forever Hold Your Peace?
  January 31, 2018
- The International Entrepreneur Rule is Back . . . for Now
  December 18, 2017
- Business Immigration in the Trump Era, Part 1: Worksite Enforcement
  August 10, 2017
- Trump Administration Plans to Ax the International Entrepreneur Rule
  July 24, 2017
- Introducing the New(est) Form I-9
  July 20, 2017

- ICE Officials: More Workplace Enforcement and New Form I-9 on the Way
  July 10, 2017
- Pittsburgh City Council Passes Paid Sick Days Act
  August 6, 2015
- U.S. Supreme Court Sides with EEOC in Abercrombie & Fitch Religious Accommodation Case
  June 1, 2015
- Eight Barley Snyder Attorneys Selected to the 2015 Pennsylvania Super Lawyers and 2015 Pennsylvania Rising Stars Lists
  May 15, 2015
- Executive Action on Immigration: Whats in It for Business?
  November 21, 2014
- Pennsylvania Enacts Notario Publico Ban
  November 11, 2013
- NLRB Provides Clarity Regarding Permissible At-Will Employment Acknowledgments
  November 1, 2012

RELATED RESOURCES:

- 16. Barley Snyder Legal Update Podcast: Corporate Transparency Act
  November 11, 2022
- 15. Barley Snyder Legal Update Podcast: Title IX
  August 2, 2022
- 14. Barley Snyder Legal Update Podcast: Season 2 Episode 3
  July 20, 2021
- Webinar Replay: The Impact of the COVID-19 Vaccines on Higher Education
  January 21, 2021
- 13. Barley Snyder Legal Update Podcast: Season 2 Episode 2
  November 19, 2020
- 12. Barley Snyder Legal Update Podcast: Season 2 Episode 1
  October 22, 2020
- 11. Barley Snyder COVID-19 Legal Update Podcast **TIGER KING SPECIAL EDITION**
  June 26, 2020
- 10. COVID-19 Legal Update Podcast
  June 18, 2020

- 9. COVID-19 Legal Update Podcast
  June 11, 2020
- 8. COVID-19 Legal Update Podcast
  June 8, 2020
- 7. COVID-19 Legal Update Podcast
  May 22, 2020
- 6. COVID-19 Legal Update Podcast
  May 18, 2020
- 5. COVID-19 Legal Update Podcast
  May 8, 2020
- 4. COVID-19 Legal Update Podcast
  May 5, 2020
- 3. COVID-19 Legal Update Podcast
  May 1, 2020
- 2. COVID-19 Legal Update Podcast
  April 28, 2020
- 1. COVID-19 Legal Update Podcast
  April 24, 2020