



## Suzanne M. Messer

### Member

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### Profile

**Suzanne represents clients in commercial, higher education, employment and civil rights disputes and litigation. She has counseled and litigated in these subject areas for more than 15 years and regularly appears in federal and state courts. Suzanne has tried both jury and non-jury trials, argued before appellate-level courts and assisted clients in resolving disputes through mediations and arbitration proceedings.**

Suzanne's litigation experience includes:

- Gender discrimination under Title IX of the Education Amendments of 1972 and the New York Education Law ("Enough is Enough")
- Student affairs, student discipline and faculty tenure disputes
- Employment discrimination under Title VII of the Civil Rights Act, the Age Discrimination in Employment Act (ADEA), the Americans with Disabilities Act (ADA), the New York State Human Rights Law (NYSHRL) and the New York City Human Rights Law (NYCHRL)
- Wage and hour collective and class actions under the FLSA and the NYLL
- Racial discrimination under Title VI of the Civil Rights Act
- Employee Retirement Income Security Act (ERISA) claims (including ERISA class actions)
- Violations of Sections 1981 and 1983 of the Civil Rights Act
- Breach of contract, unjust enrichment and accounts stated claims
- Trade secret and unfair competition matters
- Disputes involving restrictive covenants and confidentiality provisions of contracts
- Disputes among members of limited liability companies and professional service limited liability companies (NY LLC Law and common law)
- Insurance coverage disputes

Suzanne's experience in complex litigation matters involves the extensive use of a variety of e-discovery platforms and technology. She is proficient in the management, collection and production of electronically stored information (ESI), uses technology to facilitate discovery in litigation and regularly assists clients with the preparation and implementation of record preservation policies.

### Education

- Syracuse University College of Law (J.D., *summa cum laude*, 2006)
- University of Scranton (B.S., *magna cum laude*, 2001)

### Bar/Court Admissions

- New York
- U.S. Court of Appeals for the Second Circuit
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Northern District of New York
- U.S. District Court for the Southern District of New York
- U.S. District Court for the Western District of New York

### Practices

- School Law
- Toxic Tort and Environmental Litigation
- Litigation
- Environmental and Energy
- Higher Education
- Class and Collective Action Litigation

Suzanne is an active participant in the Northern District of New York Federal Court Bar Association (NDNY FCBA) and has served as a Co-Chair of the Continuing Legal Education Committee of the NDNY FCBA for two years. In that role, she not only organizes continuing legal education programs but is a frequent presenter and panelist. Suzanne also serves on the Executive Committee and as a District Leader of the New York State Bar Association's Commercial and Federal Litigation Section.

## Honors & Affiliations

- Listed in:
  - *The Best Lawyers in America*®, Commercial Litigation, 2024
  - *New York Super Lawyers*® Upstate New York Rising Star, General Litigation, 2017
- New York State Bar Association
- Onondaga County Bar Association
- Northern District of New York Federal Court Bar Association
- Central New York Women's Bar Association
- Justinian Honorary Law Society, Secretary, 2005-2006
- Order of the Coif
- Executive Editor, *Syracuse Law Review*

## Representative Publications

- Suzanne M. Messer, Brian J. Butler and Clifford G. Tsan, "E-Discovery and Information Management - Can Clicking 'Like' Make or Break a Lawsuit?," *Intellectual Property & Technology Law Journal*, April 2016

## Representative Presentations

- An Interview with Suzanne Messer and Hilary Moreira, Bond Women's Initiative, Legally Bond Podcast, March 13, 2023
- Class Action Refund Lawsuits Against Higher Educational Institutions, CICU Webinar, May 14, 2020