

## WHO's WHO in Intellectual Property and Labor Law

### Russell G. Tisman

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Russell G. Tisman, Esq. is a partner at Forchelli, Curto Schwartz, Mineo, Carlino & Cohn LLP (FCSMC&C) in Mineola.

Tisman specializes in complex employment, labor, corporate, commercial, defense and Surrogate's Court litigation. He counsels business clients in connection with employment actions including terminations, demotions, reassignments, reductions in force and business restructuring.

He also represents business clients in administrative and court litigation involving employment discrimination, wrongful discharge and unfair competition/restrictive covenant claims. In addition, Tisman handles traditional labor matters including the defense of unfair labor practice claims before the National Labor Relations Board.

The impact of recent amendments to the Federal Rules of Civil Procedure concerning elec-



tronic discovery has become a hot, and a potentially expensive issue for clients involved in federal litigation — particularly smaller businesses, Tisman noted. "Because so much business is being conducted by email, clients now have to preserve information that resides on

servers and stand alone computers so that those materials can be produced in discovery," he said. "The cost of preserving and producing electronic materials can be substantial for businesses that do not have sophisticated information technology. Failure to preserve

and produce such materials can result in a company being foreclosed from putting on a defense to a lawsuit."

Many employees consider their emails to be informal and private, and write things not intended to become public, Tisman explained. "Because email is discoverable in litigation, an employee's loose remarks may undermine an employer's ability to defend against litigation," he said.

Tisman was a founding mem-

ber of Groman, Ross & Tisman PC, which joined FCSMC&C in 2006. He is a member of the Equal Employment Opportunity Committee of the Labor Section of the American Bar Association; the Nassau County Bar Association Labor and Employment Committee; and its Employment Dispute Mediation and Arbitration panel. He also serves as an arbitrator of employment disputes for various private alternative dispute resolution organizations.

Tisman has published articles on employment and labor law in the ACCA Docket: the Journal of the American Corporate Counsel Association, The New York Law Journal and other publications.

He also lectures nationally and locally on various employment law and litigation topics.

Founded in 1976, FCSMC&C has more than 40 attorneys and offices in Mineola and Melville. The firm's practice areas include land use and zoning, real estate, environmental law, tax certiorari, litigation, banking and finance, corporate and commercial transactions, loan closings and bulk loan sales, tax, trusts and estates, bankruptcy and debtor/creditor right, employment and labor law, municipal law and business and personal transactions.