

FORGING A DIVERSE PATH

LIFETIME ACHIEVEMENT
HONOREEROSEMARY ALITO
K&L GATES

By David Gialanella



“Young attorneys should look to do things beyond work and clients.”
—Rosemary Alito

Rosemary Alito seeks new opportunities both to learn and to help others.

For women attorneys who launched their careers in an era when they were grossly outnumbered by men, there are unfortunate—and numerous—stories of mistaken identity.

Rosemary Alito recalls showing up to interview for an associate position at a law firm early in her career when she was “mistakenly interviewed for a secretary position.”

“They hand me a clipboard and send me to an office to fill out a form,” Alito says. She “got to the question of how many words a minute can you type” and then alerted others to the obvious mistake. She promptly received a group apology from the firm’s partners (all men).

“At that time, when I went to court, when I went to meetings, I was very frequently the only woman,” Alito recalls. “That was a plus and a minus.”

On the plus side, “it made me tough and taught me a lot,” says Alito, who would go on to become one of the foremost members of the employment bar, practice chair at global law firm K&L Gates and longtime chairwoman of the New Jersey Law Journal Editorial Board. Those achievements are in addition to the many bar organizations and court committees on which she has served and led.

Through it all, Alito has repeatedly solidified her extraordinary ability to work with people.

Authoring the treatise “New Jersey Employment Law,” first published in 1992 and updated annually, was an opportunity to be a thought leader before that buzz phrase even existed. It has helped promote her practice, Alito says, though she also believes it simply made her a stronger practitioner.

"It was even more beneficial than I thought at the time," as updating it annually has necessitated reading all published and unpublished decisions in that area of law, she says. The treatise has been cited by various courts, including the New Jersey Supreme Court.

"I think it's given me an opportunity to, in a small way, shape the development of the law," Alito says.

Angelo Genova, founder of Newark's Genova Burns—who graduated with Alito from Rutgers Law School and practiced at the same firm with her early on—said of the treatise: "At the time that came out, it really was a bible, and I think it still holds sway."

Alito has shaped the development of the law as a practitioner as well. Early in her career, she worked on two class actions concerning provisions of the Employee Retirement Income Security Act, *Michota v. Anheuser-Busch* and *Struble v. New Jersey Brewery Employees' Welfare Trust*. That litigation ascended to the Third Circuit, where Alito had the "wonderful experience and a fabulous opportunity" to argue before Judge Edward Becker, she says.

Alito also handled a class action trial in *UAW v. Curtiss-Wright*, as well as *Carmona v. Resorts International*, the latter of which established new law on retaliation and reached the New Jersey Supreme Court.

Among her current engagements is *Care One Management v. United Healthcare Workers East*, which explores the issue of labor union liability in civil RICO claims.

Alito spent the early part of her career at Carpenter, Bennett & Morrissey, where she benefited from "a real apprenticeship" with mentor and "great trial lawyer" Tom Morrissey, she notes.

"Despite being on the shy side as a person, I learned how to litigate as a ferocious, old-time trial lawyer," she says. Alito also named as mentors: New Jersey Supreme Court Justice Marie Garibaldi, who invited her to serve on court committees, and Judge Anne Thompson, New Jersey's first woman and first African American U.S. District Court judge.

Alito left Carpenter Bennett for McCarter & English, and in 2004 headed to the Newark office of K&L Gates, where she would add another chapter to her own book: Practice leader. Then-firm chairman Peter Kalis asked her to lead the labor and employment practice during a time when the firm was expanding.

"I came at a time when the practice was changing," Alito says, recalling such developments as the recognition of sexual harassment and whistleblower claims as causes of action; the #MeToo movement; and, more recently, "a great increase in traditional labor law and union issues."

"I've enjoyed the changes," she says. "It makes each day more interesting."

Serving on and leading the New Jersey Law Journal Editorial Board, Alito has continued to showcase herself not only as a thought leader but as a leader of other brilliant—and opinionated—lawyers.

Former longtime board member Melvin Bergstein, now retired from law practice, says: "The editorial page has never been blank. That's a big deal."

Bergstein, formerly of Walder Hayden & Brogan, describes how Alito deftly navigates contentious topics, particularly because board members frequently tackle issues being considered by the U.S. Supreme Court, of which her brother, Samuel Alito Jr., is an associate justice.

"She holds her opinions of his most contentious decisions close to the vest," Bergstein says, "and that's no easy task, because running the board is like being a stagecoach driver with six or eight horses going in different directions."

He adds, "When passion would have us go overboard, she reins [the board] in with a journalist's sense of professionalism. I've always admired that."

The Alito name was well known before her brother's time as U.S. attorney and justice; their father, attorney Samuel Alito Sr., led New Jersey's Office of Legislative Services.

Nevertheless, she "has done everything on her own skill and the merits of her own competence," Genova noted.

As a litigator, Alito is known as measured but persistent. Bergstein also recalls litigating an employment case against Alito, who was representing the defendant company.

"She really is fierce and obviously a good lawyer, a hard-working lawyer," he says. "That says something about her. She is capable of great warmth and a lot of empathy. On the other hand, she is a fierce adversary."

Genova, who got his start at Carpenter Bennett along with Alito, and has worked as co-counsel with her, recalls how she quickly became a premier practitioner in the increasingly litigation-heavy area of employment law.

"She's a terrific role model to women," Genova says. "She was breaking and crashing the glass ceiling as an employment lawyer decades ago."

Alito says her diversity of pursuits has helped make her career what it is, and offered that path as one that other members of the profession should consider following.

"I think young attorneys should look to do things beyond work and clients," Alito says. "It's the intellectual aspect of it, but it's also working with other people, helping other people."

"A combination of all of those things make for a more fulfilling life," she says.