



PRACTICE FOCUS

Russell Berger is a business counselor serving the needs of small and mid-sized businesses as an outside general counsel and as a labor and employment attorney. He provides these same services for Offit Kurman as the firm's General Counsel.

As an outside general counsel to his clients, Russell is a strategic partner who helps growth-minded clients navigate the opportunities and challenges, seen and unseen, that come with running a business. A thoughtful and proactive problem solver, he leverages the resources of Offit Kurman to provide the exact experience and knowledge that clients need on a range of matters.

As a top-rated labor and employment attorney, Russell provides business counsel to employers on employee matters. He is well-versed in litigating in both state and federal courts.

As a member of management at Offit Kurman, he is charged with minimizing risk while aggressively pursuing strategic objectives. He leverages this experience to provide solutions to his clients that address legal issues and promote the growth of the business. He works diligently to solve the problems of owners and operators of business-to-business, professional service, technology, and other firms so that they can focus on what they do best - running and growing their business.

Whether he is providing general counsel services to his firm or to clients, or using his own experience with employment issues, Russell's goal is to help clients avoid legal issues in the first place and, should any problem arise, solving it in an efficient and pragmatic manner. Together, Russell and each client form a partnership that is invested in the client's success.

Russell has held various distinctive positions at Offit Kurman. In 2017, he was promoted to Chair of the Labor and Employment practice and in 2019 he was promoted to Practice Group Director. In 2020, he was promoted to Department Chair, where he supervised the chairs of other practice groups and worked on strategic initiatives for the firm. In 2023, Russell was appointed as the firm's General Counsel, where he is responsible for ensuring that firm business strategies, policies, and programs are developed and applied in full recognition of all legal implications and risks.

REPRESENTATIVE MATTERS

- Counseled client on options related to leveraging corporate structure and equity incentives to maximize growth and built an appropriate team of Offit Kurman attorneys to provide the legal support to aid in the client's pursuit of growth.
- Obtained dismissal of a class action lawsuit alleging unpaid overtime by successfully arguing that certain "training time" and pre-shift travel time was not actually hours worked.
- Audited clients wage and hour policies and was able to revise travel policies in a manner that saved client tens of thousands of dollars per year.
- Assisted client in the successful resolution of the departure of multiple shareholders, playing the role of lead negotiator and strategist while utilizing co-counsel throughout Offit Kurman to maximize negotiating leverage, draft agreements, and ensure compliance with applicable corporate laws.
- Defeated attempts to convert individual minimum wage and overtime claims into class lawsuits, successfully preventing the addition of numerous claims, by highlighting the differences among several groups of laborers.
- Protected client by obtaining summary judgment in response to charges of employment discrimination by a skilled laborer.
- Assisted professional firms and other businesses with the myriad of challenges created by COVID-19, navigating compliance with new laws and preparing policies and procedures to guide the client through day-to-day operational issues.
- Drafted non-compete agreement that client was then able to leverage in order to protect its interest without the expense of litigation.
- By planning and adopting good policies and procedures, Russell has helped many employers reduce their legal risks with minimal costs and impact on operations.

RECOGNITIONS

- Business & Employment Law Power List, The Daily Record, 2022
- Best Lawyers in America, 2023-2024
- Super Lawyers, Rising Star, 2012-2022

RUSSELL B. BERGER

Office of Managing Principal and General Counsel ,

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PRACTICE AREAS

- Business Law and Transactions
- Labor and Employment Law
- Restrictive Covenants and Trade Secret Protection

PROFESSIONAL AFFILIATIONS

- PACT: Helping Children with Special Needs, an affiliate of the Kennedy Krieger Institute, Board Member

PUBLICATIONS

- Co-Author, “Preventing Workplace Violence Is Not Just For the Oscars,” Law360, May 25, 2022

SPEAKING ENGAGEMENTS

- Speaker, Cannabis in the Workplace, Caroline County Chamber of Commerce, July 2023
- Speaker, Maryland Free Breakfast Series: Labor & Employment Law Updates: Cannabis, Paid Leave, Non-Competes & More, June 21, 2023
- Speaker, Cannabis in the Workplace, How to Avoid Complications, Maryland Department of Commerce, June 7, 2023
- Panelist, Social Collective Presentation for Small Business Owners, July 26, 2022

“My goal is to become a strategic partner that business owners can rely upon when confronted with the opportunities and challenges, seen and unseen, that come with running a business. I want to help my clients achieve their goals.”

— Russell Berger

EDUCATION

- University of Maryland, J.D., magna cum laude
- Johns Hopkins University, B.A., with honors

ADMISSIONS

- Maryland
- United States District Court for the District of Maryland
- United States District Court for the District of Columbia

AWARDS