



Brian A. Scotti

PARTNER

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RELATED SERVICES

- Employment
- Professional Liability Defense
- Class Action Defense
- Commercial Litigation
- Directors & Officers and Shareholder Litigation

OFFICES

- Alexandria
- Richmond
- Washington
- Baltimore

OVERVIEW

Brian Scotti serves as the Co-Managing Partner of the Alexandria, Virginia, Washington, D.C. and Maryland offices. Brian focuses his practice on employment and commercial litigation matters, offering expert legal counsel and representation in complex disputes.

Employment Litigation

Brian is an experienced employment litigator, defending clients against claims of discrimination, retaliation, harassment, wrongful termination, breach of contract, trade secret theft, and employment-related tort claims. His experience includes representing clients in administrative agencies, arbitration, litigation in state and federal court, and trial. Additionally, Brian has experience representing employers in collective or class action matters, including actions under the Fair Labor Standards Act (FLSA) and

state law analogues. Brian's clients represent a wide array of industries, including government contractors, trade associations, health care, technology, academic institutions, hospitality, real estate, construction, and non-profits. Brian has extensive experience in state and federal court in Virginia, Maryland, and the District of Columbia.

Employment Counseling

Brian recognizes that each client has its own, unique goals and objectives and works with his clients with an eye towards achieving those goals while mitigating risk. To that end, he regularly counsels and advises employers on compliance with federal, state and local employment laws with the goal of preventing potentially disruptive and time-consuming litigation. Brian offers strategic advice to management and human resource professionals on personnel actions to reduce the likelihood of future administrative action or litigation. Brian assists employers in crafting handbooks and personnel policies with an eye towards both legal compliance and advancing business objectives. Brian also helps employers mitigate risk through developing training programs for management and non-management employees, as well as drafting agreements to protect their business interests and confidential and proprietary information.

Internal Investigations

One of Brian's primary focuses involves conducting internal investigations on behalf of employers. These investigations include traditional workplace investigations focused on discrimination, harassment, retaliation, threats of workplace violence, and violations of company policies. Brian has also been retained to investigate issues relating to the functionality of human resources, adherence to journalistic best practices, insubordination, nepotism and overall workplace culture.

Commercial Litigation

Brian maintains an active commercial litigation and professional liability practice. In these matters, he regularly litigates claims of professional negligence, breach of contract, business torts, corporate governance, and alleged federal and state statutory violations. As part of his litigation practice, he has successfully concluded many adversarial proceedings, including multiple bench and jury trials. Brian also has experience representing clients accused of violating the False Claims Act (FCA), including assisting clients with government investigations, responding to civil investigative demands and litigation.

Prior to joining GRSM, Brian practiced with a premier plaintiff-side boutique employment firm in Northern Virginia where he successfully tried several matters to verdict in state and federal court. Representing plaintiffs gave him unique insight into litigating employment disputes from the plaintiff's perspective that now serves his corporate clients well. Brian also previously practiced at one of Virginia's largest and most historic law firms where he focused on commercial litigation and professional liability defense, representing large corporations and professionals in malpractice claims.

REPRESENTATIVE EXPERIENCE

Examples of Brian's recent experience and results include:

- Prevailed at trial on behalf of a government contractor on various claims relating to a partnership dispute in the Circuit Court of Fairfax County, Virginia
- Obtained summary judgment in D.C. Superior Court on behalf of an elite, private secondary school in a case where a former student brought retaliation claims under 42 U.S.C. 1981 and D.C. Human Rights Act, as well as various contractual claims. Plaintiff's final settlement demand prior to the Court entering judgment was \$7.5 million.
- Prevailed on a motion to dismiss on behalf of a private university, obtaining complete dismissal of a case brought by a former student who was expelled as a result of the university's disciplinary process and asserted discrimination claims under Title IX, as well as assorted state law claims, in the U.S. District Court for the Western District of Virginia.
- Obtained a complete defense verdict following a two day trial in the Circuit Court of Fairfax County, Virginia, on behalf of a government contractor in a case where the contractor's former employee, who was stationed at U.S. military base in Afghanistan, alleged breach of his employment agreement and violation of Afghan Labor Law by failing to pay him overtime and holiday pay consistent with the law.
- Prevailed on a demurrer, which was completely dispositive, in the Circuit Court of Fairfax County, Virginia, in a case brought by a former employee of a government contractor who alleged the contractor and its employees defamed him, resulting in his termination.
- Prevailed on a motion to dismiss on behalf of a national property management company in the Circuit Court for Baltimore County, Maryland, which was subsequently affirmed by the Maryland Court of Special Appeals, on a putative class action asserting claims under the Maryland Consumer Debt Collection Act ("MCDCA") and the Maryland Consumer Protection Act ("MCPA").
- Obtained dismissal, with prejudice, on behalf of a national insurance company in a case brought by a former marketing representative in the U.S. District Court for the Western District of Virginia, in which he claimed his termination was in violation of the ADA and FMLA.
- Prevailed on a demurrer, which was completely dispositive, in the Circuit Court of Tazewell County, Virginia, on behalf of a national real estate franchisor where Plaintiffs asserted a litany of claims, including breach of fiduciary duty, fraud, conversion, intentional interference with contractual rights, breach of contract and malpractice, stemming from the alleged misappropriation of escrow funds.
- Served as lead counsel in a shareholder derivative investigation of a manufacturing company with facilities throughout the United States and Mexico following a derivative demand made by a minority shareholder, alleging breach of fiduciary duties, conflicts of interest, and corporate waste.
- Served as lead counsel in numerous internal investigations of private and governmental entities on issues including sexual harassment, hostile work environment and insubordination.

CREDENTIALS

Admissions

- District of Columbia
- Virginia
- Maryland
- New York
- New Jersey (inactive)
- United States Court of Appeals, Fourth Circuit
- United States Court of Appeals, District of Columbia Circuit
- United States District Court, District of New Jersey
- United States District Court, Southern and Eastern Districts of New York
- United States District Court, District of Columbia
- United States District Court, Eastern and Western Districts of Virginia
- United States Bankruptcy Court, Eastern District of Virginia
- United States District Court, District of Maryland

Memberships

- Federal Bar Association
- District of Columbia Bar Association

Education

- J.D., The Catholic University of America, Columbus School of Law
- B.S., Economics, James Madison University

Honors

- *Best Lawyers in America*® distinction in Litigation – Labor and Employment (2023-2025)*
- Super Lawyers Rising Stars distinction in the fields of Employment Litigation: Defense and Professional Liability: Defense (2016-2019)*

*No aspect of this advertisement has been approved by the Supreme Court of New Jersey.

A description of *Best Lawyers* selection methodologies can be found at: <https://www.bestlawyers.com/methodology>.

The *Super Lawyers*® Rising Stars list is issued by Thomson Reuters. A description of the selection methodologies can be found at: https://www.superlawyers.com/about/selection_process.html.