

## JOHANNA G. ZELMAN

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### **Johanna Zelman is the office managing partner for FordHarrison's Hartford, Connecticut office.**

Johanna's background in municipal employment and school law and healthcare results in highly competent, in-depth and knowledgeable advice and representation for her clients. While she has represented a wide variety of employers from various industries, Johanna has a specific strength in matters arising in the municipal employment setting and in public schools and universities. Johanna represents municipalities and school boards in a wide array of matters, from consulting to litigation.

Johanna's prior work at Harvard University's affiliate hospitals, where she had direct contact with patients being treated for various mental health disorders, offers not only a unique perspective in legal issues related to special education, but proves extremely helpful when handling issues involving the Americans with Disabilities Act (ADA), Family Medical Leave Act (FMLA), and other behavioral or mental health issues arising in the employment setting. Johanna is highly effective in defending fact-intensive and highly complicated counseling and litigation matters related to employment, general civil rights and special education.

Johanna has litigated matters and successfully defended public and private sector employers and governments before the United States Court of Appeals for the Second Circuit, the United States District Court for the District of Connecticut, the Southern and Eastern Districts of New York and the Connecticut Supreme, Appellate and Superior Courts. She has also represented employers and school districts before various state and federal administrative agencies, including the Equal Employment Opportunities Commission, the Connecticut Commission on Human Rights and Opportunities, the Connecticut State Department of Education the Connecticut Freedom of Information Commission, the Connecticut Workers' Compensation Commission and the Department of Labor.

### **Representative Experience**

- » In response to Rule 11 letter, successfully obtained voluntary dismissal by African American police officer who

### **EDUCATION**

- » University of Connecticut School of Law (J.D., 2005)
- » Connecticut College (B.A., *summa cum laude*, 1999)

### **BAR ADMISSIONS**

- » Connecticut
- » New York
- » Maine

### **COURT ADMISSIONS**

- » U.S. Supreme Court
- » U.S. Court of Appeals for the Second Circuit
- » U.S. Court of Appeals for the Ninth Circuit
- » U.S. District Court for the District of Connecticut
- » 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
- » Connecticut Superior Court
- » Connecticut State Courts
- » Maine State Courts
- » New York State Courts

### **LANGUAGES**

filed lawsuit alleging race discrimination for being terminated during his probationary period.

» Spanish (fluent)

- » In Connecticut Supreme Court, challenged constitutionality of statute that prohibits an employer from relaying on collateral estoppel based on a grievance decision reached in accordance with a collective bargaining.
- » Second Circuit affirmed summary judgment on claim pending against public school system that it failed to accommodate a first grade teacher in violation of the Americans with Disabilities and Connecticut Fair Employment Practices Act. Teacher used a prosthetic leg as a result of a previous above the knee amputation. The court held that although the school did not provide the accommodation that the plaintiff wanted, he was only entitled to a reasonable accommodation which had been provided to him.
- » Obtained summary judgment on claim by a unionized tenured public school teacher who claimed that his employer violated the Substantive and Procedural Due Process clauses when he was suspended for 20 days after multiple students reported to administration that the teacher had used profanity and threatened them. The Court held that the teacher received all pre- and post- deprivation process due to him and that the substantive due process claim failed as a matter of law because the conduct alleged was not conscious-shocking and there was another specific constitutional amendment that more appropriately addressed the conduct at issue. Breach of contract claim was previously dismissed because the teacher failed to exhaust his administrative by first bringing a claim against his union for breach of the duty of fair representation.
- » Obtained dismissal of claim against public school system by tenured teacher alleging race discrimination pursuant to the Equal Protection Clause of the Fourteenth Amendment. Plaintiff had been provided a full evidentiary hearing lasting 13 days, and had been found incompetent and that there was other due and sufficient cause for her termination prior to termination and, therefore, in order to plead discrimination, she had to plead that there was a similarly situated Caucasian employee, not just that a Caucasian employee was hired to replace her, which the Court held was impossible to do; awarded sanctions under Rule 11 because Due Process claim was frivolous.
- » Conducted extensive review and audit of municipal civil service rules and hiring procedures and advised as to deficiencies during recent hiring process.

- » Successfully defended protective order filed to block employer from performing a mental fitness for duty examination on an employee exhibiting performance and behavioral concerns that lead to concerns about workplace safety.
- » Successfully defended municipal employer in First Amendment claim by police constable alleging that she was terminated in retaliation to a previously filed lawsuit alleging gender discrimination and harassment.
- » Obtained dismissal of state law constitutional and tort claims brought by a student and her parents against the public schools alleging that teachers attempted to indoctrinate the student and her two older sisters into a death cult. Issues of fact remained on federal constitutional claims.

## Honors & Awards

- » *Best Lawyers in America* - Employment Law - Management, Labor Law - Management, Litigation - Labor and Employment
- » *The Legal 500 United States*, Recommended attorney in Labor & Employment - Labor and Employment Disputes (2021)
- » Selected for inclusion in *Best Lawyers in America* publication for Employment Law - Management, Labor Law - Management, and Labor and Employment Litigation (2018 - 2023)
- » Selected for inclusion in "Connecticut Super Lawyers" publication in Employment Litigation, *Super Lawyers* magazine (2013 – 2015, 2019 - 2020).
- » Selected for inclusion in "Connecticut Rising Stars" publication in Employment Litigation, *Super Lawyers* magazine (2012).
- » AV® Preeminent Peer Review Rated by Martindale Hubbell.

*\*Johanna was selected to the Super Lawyers and Rising Stars lists issued by Thomson Reuters. The selection methodology is found [here](#). Additionally, Johanna was selected to the Best Lawyers in America list issued by Best Lawyers. The selection methodology is described [here](#).*

## Memberships

- » American Bar Association
- » Connecticut Bar Association
- » New York Bar Association

- » Leadership Council on Legal Diversity's Success in Law School Mentoring Program
- » Connecticut Institute - Instructor

## News & Insights

- » SourceBook - Editor, FordHarrison's Labor & Employment Law Sourcebook, The Americans with Disabilities Act and Other Disability Discrimination Laws
- » April 18, 2024 - U.S. Supreme Court Holds that Title VII Requires Employees Establish only "Some Harm" as a Result of Transfer, Rejecting Lower Court Ruling that Harm must be "Significant" to Constitute Discrimination
- » November 15, 2023 - Guidance for Employers to Ensure Workplaces Remain Free from Antisemitism
- » August 17, 2023 - Five Hartford-Based FordHarrison Attorney Listed in the 2024 Best Lawyers in America
- » July 17, 2023 - "4 Strategies To Counter Antisemitism In The Workplace," Law360

## Events

- » November 30, 2023 - Standing Up to Antisemitism in the Workplace – The Florida Holocaust Museum's Lawyers of Conscience
- » June 21, 2023 - Panel Discussion - Taking A Stand Against Antisemitism - Complimentary Webinar
- » February 16, 2023 - Taking A Stand Against Antisemitism - What Can Employers Do? - Complimentary Webinar
- » November 02, 2022 - 2022 Employers' Election Guide: Voting Leave, Political Speech in the Workplace, NLRA's Protections and More - Complimentary Webinar
- » February 24, 2021 - The First 100 Days: Employment Law and The Biden Administration - Complimentary Webinar

## Offices

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