

Richard M. Wallace

Shareholder

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Focus Areas

Discrimination and Harassment
Labor Management Relations
Litigation and Trials
Appellate
Affirmative Action/OFCCP Compliance

Overview

An accomplished litigator and trusted advisor, Richard M. Wallace resolves labor and employment problems for a variety of clients in a manner that meets their business goals.

Rick maintains an active practice covering both employment litigation and traditional labor law. With experience in state and federal courts, Rick has tried multiple cases to a jury verdict on issues such as discrimination, wrongful discharge, workplace harassment and breaches of the duty of loyalty. He has successfully concluded arbitrations for employers and guided managers through troubling workplace scenarios.

Some of his successful employment litigation outcomes on behalf of clients include the following:

- Secured summary judgment on behalf of gaming industry client in aggressive litigation involving the Bank Secrecy Act and the Sarbanes Oxley Act. Mother and son dealers at a casino lodged allegations of illegal sports gaming by their employer – and they claimed protected activity by reporting the supposed violations. Summary judgment affirmed on appeal.
- Compelled arbitration on behalf of nationwide retailer when the Supreme Court of Appeals of West Virginia decided, in an issue of first impression, that the delegation clause was enforceable in the employment context.
- Obtained a permanent injunction that prevented a former telecommunications company executive from setting up a competing business. Also recovered damages for former employee’s violations of “duty of loyalty.”

- Won summary judgment in favor of client in gaming industry who faced alleged violations of tip pooling under a novel legal theory, which was an issue of first impression. Potential class numbered close to 500 plaintiffs. Summary judgment affirmed upon appeal.
- Set new case law in West Virginia when the state's Supreme Court of Appeals ruled that criminal statutes were not a source of public policy for the purposes of a common-law wrongful discharge claim. Decision was favorable for employers statewide and circumscribed the ability of plaintiffs going forward to rely on potential sources of public policy that had not been expressly defined by the legislature.

In addition to his litigation practice, Rick routinely represents management in all aspects of traditional labor law. As lead negotiator in numerous collective bargaining sessions, he has brought determination and adaptability to challenging discussions, ultimately reaching agreements favorable to his clients. He has directed multiple labor-related litigation matters in federal court, represented employers in proceedings before the National Labor Relations Board, and advised companies during labor organizing campaigns.

Rick has extensive experience in guiding employers through work stoppages, including assisting with strike preparation and representing companies in state court to obtain injunctive relief for strike-related misconduct. He has also successfully represented management in numerous labor grievance arbitrations throughout the country.

In 2017, Rick was appointed by West Virginia Governor Jim Justice – and subsequently confirmed by the West Virginia Senate – to serve on the West Virginia State Personnel Board, which sets policy governing nearly 30,000 classified employees in the state.

In his personal life, Rick is an avid skier who competed on the college ski team in several categories of the U.S. Collegiate Ski and Snowboard Association.

Professional and Community Affiliations

- Member, West Virginia State Personnel Board
- Member, Board of Directors, The Clay Center for the Arts & Sciences of West Virginia
- Former Chairman, Board of Directors, Friends of Clay Center
- Former Member, Board of Directors, Kanawha HospiceCare

Recognition

- Awarded, AV Preeminent® Peer Review Rating, *Martindale-Hubbell*
- Ranked, Labor & Employment, *Chambers USA*, 2013-2014, 2021-2024
- Named, Top 10 Most Influential Labor & Employment Lawyers in West Virginia, *Business Today*, 2023
- Named, Rising Star, West Virginia, *Super Lawyers*, 2009-2013, 2015-2016
- Named, Class of 2012, *Leadership West Virginia*

Education

J.D., Wake Forest University School of Law, 2005

B.A., University of Virginia, 2002

Bar Admissions

West Virginia

Courts

U.S. Court of Appeals, 4th Circuit

U.S. District Court, Northern District of West Virginia

U.S. District Court, Southern District of West Virginia

U.S. District Court, District of Columbia

Publications & Press

Littler Ranked in 2024 Chambers USA Guide

Littler Press Release

June 6, 2024

Littler Recognized in 2023 Chambers USA Guide

Littler Press Release

June 6, 2023

Littler Ranked in Chambers USA Guide 2022

Littler Press Release

June 1, 2022

Littler Ranked in Chambers USA Guide 2021

Littler Press Release

May 27, 2021

West Virginia Employers No Longer Allowed to Prohibit Guns in Vehicles in Company Parking Lots

Littler ASAP

March 29, 2018

West Virginia Employers Soon to Enjoy Greater Flexibility in Drug Testing Employees, Despite Enactment of Nation's 29th Medical Marijuana Law

Littler Insight

May 4, 2017

Legal Experts Hold Seminar To Help Businesses Meet Regulations

WBOY

February 11, 2016

West Virginia Employment Update: The Mountain State is Becoming Much More Attractive to Employers

Littler Insight

June 9, 2015

Littler Adds Richard M. Wallace to its West Virginia Office

Littler Press Release

February 24, 2015

Speaking Engagements

Two Years Later... Managing Remote Work Requests

May 18, 2022

Giving It Your Best Shot! COVID-19 Vaccine Mandates and Accommodation Requests

February 23, 2022

Sticky Situations: Handling Sensitive Employment Challenges in a Pandemic

December 16, 2020

Business as Unusual: Preparing Our Workplaces and Workforces for a Return to Work

November 17, 2020

Changes to Family Medical and Sick Leave Obligations in the Time of COVID-19

October 22, 2020

Workplace Violence Prevention in the Age of the "Active Shooter"

Charleston, WV

May 26, 2016

Workplace Violence Prevention in the Age of the "Active Shooter"

Charleston, WV

May 25, 2016

The New Bermuda Triangle: Navigating the Treacherous Waters of FMLA, Disability and Other Overlapping Leaves of Absence

Charleston, WV

February 11, 2016

The New Bermuda Triangle: Navigating the Treacherous Waters of FMLA, Disability and Other Overlapping Leaves of Absence

Charleston, WV

February 10, 2016

A Brave New World: Employment Arbitration Agreements are Now Enforceable in West Virginia

Charleston, WV

September 25, 2015

A Brave New World: Employment Arbitration Agreements are Now Enforceable in West Virginia

Charleston, WV

September 24, 2015