

Richard W. Black

Shareholder

Co-Chair, Class Action Practice Group

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Focus Areas

Class Action

Discrimination and Harassment

Wage and Hour

ERISA and Benefit Plan Litigation

Litigation and Trials

Overview

Rich Black is co-chair of Littler's Class Action Practice Group, and has represented employers in some of the largest and most significant class and collective action employment lawsuits in the country for nearly 25 years. Rich's experience handling class and collective matters spans the wage and hour, employment discrimination, and ERISA breach of fiduciary duty areas across the retail, technology, financial services, computer services, communications, energy, pharmaceutical, construction, hospitality, travel, and transportation industries.

Rich has specific knowledge and experience in issues relating to class/collective action certification and decertification under Federal Rule of Civil Procedure 23 and Section 216(b) of the Fair Labor Standards Act, the use of statistical analysis and "social science" expert testimony in single plaintiff, multiplaintiff and class action employment discrimination matters, and the enforcement of class and collective action waivers and arbitration agreements. Rich has also briefed appellate issues relating to, among other things, class certification and breach of fiduciary duty issues, including before the United States Supreme Court.

Rich's recent class and collective action experience includes:

- Successfully obtaining the decertification of a conditionally certified putative FLSA collective consisting of more than 400,000 independent contractors on behalf of a national financial services company

- Defeating plaintiffs' motion to conditionally certify an FLSA collective of hundreds of distribution center managers on behalf a national retailer
- Defeating plaintiffs' motion to conditionally certify an FLSA collective of thousands of merchandisers on behalf of a national sales, marketing and merchandising company

In addition to representing employers in class and/or collective action litigation and other complex employment litigation, Rich regularly appears in state and federal courts, and before federal and state government agencies, including the Department of Labor and Equal Employment Opportunity Commission, in single plaintiff and multiplaintiff matters related to:

- The Fair Labor Standards Act (FLSA)
- The Age Discrimination in Employment Act (ADEA)
- Title VII
- The Equal Pay Act (EPA)
- State and local anti-discrimination and equal pay statutes

Rich's practice also focuses on advising employers with respect to compliance measures that reduce wage and hour disputes and other employment-related issues.

Rich was one of four Littler attorneys responsible for the creation and development of the Littler Xmpt Toolkit, which was recognized in December 2016 by the *Financial Times* with a commendation in its North America Innovative Lawyers awards.

While attending the University of Iowa College of Law, Rich served as managing editor of the *Iowa Law Review*.

Professional and Community Affiliations

- Member, Labor and Employment Section, American Bar Association
- Member, Labor and Employment Section, District of Columbia Bar
- Member, Trial Law Institute
- Member, Diversity Law Institute

Recognition

- Senior Fellow, *Litigation Counsel of America*
- Named, The Best Lawyers in America®, 2021-2025
- Ranked, Labor & Employment, *Chambers USA*, 2023-2024
- Named, Super Lawyer, Washington, DC, *Super Lawyers*, 2014-2018
- Named, SuperLawyers in Labor and Employment Law, *HR Professionals Magazine*, 2018
- Named, Collegiate Scholar, *The University of Iowa*, 1992
- Named, Outstanding Achievement Scholar, *Temple University*, 1988-1990

Education

J.D., University of Iowa College of Law, *With Distinction*

B.A., University of Iowa, *With High Distinction*

Bar Admissions

Georgia

District of Columbia

Courts

U.S. Court of Appeals, 1st Circuit

U.S. Court of Appeals, 7th Circuit

U.S. Court of Appeals, 9th Circuit

U.S. Court of Appeals, D.C. Circuit

U.S. District Court, District of Columbia

U.S. District Court, District of Maryland

Supreme Court of Georgia

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

Best Lawyers in America© 2022 Edition Honors More Than 240 Littler Lawyers

Littler Press Release

August 19, 2021

Littler Appoints New Practice and Industry Group Chairs

Littler Press Release

October 14, 2020

Best Lawyers in America© 2021 Edition Honors More Than 250 Littler Lawyers

Littler Press Release

August 20, 2020

The Seventh Circuit Rules on Whether to Send Notice in FLSA Collective Actions to Individuals with Arbitration Agreements

Littler Insight

February 12, 2020

Littler Earns Top Rankings in Financial Times 2016 North America Innovative Lawyers Report

Littler Press Release

December 6, 2016

New overtime rule to reshape hospitality environment

Hotel Management

May 27, 2016

U.S. Department of Labor Publishes Final Rule on FLSA Overtime Regulations

Littler ASAP

May 18, 2016

Littler Launches Compliance Solution for New Overtime Rules

Littler Press Release

April 12, 2016

Weapon in the Quest to Litigate in Federal Court: Federal Officer Removal

Contract Management

July 1, 2015

The Federal Enclave Doctrine: A Potentially Powerful Defense to State Employment Laws

Thomson Reuters Westlaw Journal Employment

April 17, 2013

The Federal Enclave Doctrine: A Potentially Powerful Defense to State Employment Laws

Littler Insight

March 7, 2013

Christopher V. SmithKline: Impact On Pharma — And Beyond

Law360.com

June 29, 2012

U.S. Supreme Court Holds Pharmaceutical Sales Representatives Are Exempt Outside Sales Employees and Rebukes DOL's Efforts to Regulate Via Amicus Filings

Littler Insight

June 20, 2012

Sales Reps v. Pharma: The Overtime Issue

Pharmaceutical Executive

April 25, 2012

Understanding Christopher v. SmithKline

Law360.com

March 27, 2012

Supreme Court to Decide Significant Case on the Outside Sales Overtime Exemption

Littler Insight

March 22, 2012

The Latest Word on 401(k) Fee Litigation: Third Circuit Narrows Plaintiffs' Ability to Bring ERISA Breach of Fiduciary Duty Claims

Littler Insight

August 25, 2011

Class Action Trial Lawyer Richard W. Black Joins Littler Mendelson's Washington, D.C. Office

Littler Press Release

September 28, 2010

The Increasing Risk of Legal Challenges to an Employer's Compensation Policies and Practices: Considerations for Self-Assessment

The Journal of Investment Compliance

Spring 2005

Speaking Engagements

What's Old is New Again: The Boomer Boom and Age Discrimination in the Workplace

Littler Executive Employer Conference, Phoenix, AZ

May 11, 2023

Inclusion, Equity & Diversity 2.0 – A Panoramic View and Update of IE&D's Hot Issues

Littler Executive Employer Conference, Phoenix, AZ

May 10, 2023

Preparing for Change: DOL's Final Rule on Overtime and Brief Update on the Affordable Care Act

Asian American Hotel Owners Association, Springfield, VA 22150

September 8, 2016

Working on Overtime: Preparing for DOL's Changes to the FLSA Overtime Regulations

Federal Publications Seminars

August 3, 2016

2016 Mid-Atlantic Employer Conference

Washington, DC

June 7, 2016

DOL's Final Exemption Rule: How to Prepare and Comply with the New FLSA Regulations

Center for Competitive Management (C4CM), Webinar

June 6, 2016

DOL Issues Final Overtime Rule - May 31

May 31, 2016

Arbitration Programs with Class Waivers – Protection from Wage and Hour Class/Collective-Action Liability

Tysons Corner, VA

October 21, 2014

Misclassification Creep: Steps to Armor Your Organization Against the Latest Wage and Hour Threat

C4CM

March 28, 2014

Litigation Armoring — Building Advance Defenses to Common Wage and Hour Class and Individual Claims

Tysons Corner, VA

January 23, 2014

Litigation Armoring – Building Advance Defenses to Common Wage and Hour Class and Individual Claims

Washington, DC

October 16, 2013

Litigation Armoring – Building Advance Defenses to Common Wage and Hour Class Claims

Littler Mendelson, Houston, TX

August 22, 2013

Supreme Court Update - Employment Class and Collective Actions

DC Bar

June 13, 2013

Where Are You and What Are You Doing? Exemption and Work Time Issues in the Mobile Workforce of Sales, Techs and Travelers

Littler Mendelson, Scottsdale, AZ

May 10, 2013

401 (k) Fees – Litigation, Regulation & Compliance

2011 Executive Employer Conference - Littler Mendelson, Phoenix, AZ

May 2011

New York Benefits Summit

New York, NY

February 10, 2011

Mediation in Class Action Cases

DC Bar

2008

Books & Book Chapters

- Civil Practice and Procedure, Employee Benefits Law, *Section of Labor and Employment Law American Bar Association and Bloomberg BNA*, Chapter 12, 3rd Ed., Contributing Author, 2012
- Class Certification Under Rule 23, Littler Mendelson on Employment Law Class Actions, *LexisNexis*, Chapter 9, 2nd Ed., Chapter Co-Editor, 2012
- Collective Actions, Fair Labor Standards Act, *ABA Section of Labor and Employment Law, BNA*, Chapter 17, Chapter Editor