

## Rich S. Falcone

Shareholder

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## Focus Areas

Litigation and Trials  
Labor Management Relations  
Healthcare  
Unfair Competition and Trade Secrets  
Wage and Hour  
Emerging Technologies and Venture Capital

## Overview

Richard S. Falcone specializes in the representation of management in all aspects of employment and labor law and litigation. He regularly appears before state and federal courts and administrative agencies and focuses his practice on:

- Wrongful termination
- Discrimination claims of every nature
- Sexual harassment
- Wage and hour
- Trade secrets misappropriation and unfair competition
- Labor relations
- Occupational safety and health
- Workplace violence restraining orders

Rich also counsels and advises employers on all issues arising under state and federal employment and labor relations laws, including:

- Litigation avoidance
- Employee terminations
- Workplace investigations

- Drafting compensation and severance packages
- Protection of proprietary information
- Reductions-in-force
- Workplace violence
- Employee training

Rich has achieved many significant results in litigation on behalf of his clients during his 30 years of practice, including several cases in which he represented a national grocery chain. In the first, he obtained a motion to declare the plaintiff a vexatious litigant, and in the second, the court dismissed the case and awarded the client recovery of some of its attorney's fees. He also handled a case for a major bank, in which he obtained the dismissal of a wage and hour class action, and another in which the court granted his motion for summary judgment, dismissing the case and awarding the client recovery of its costs.

Richard is a regular speaker on various subjects, such as:

- eDiscovery
- Leaves of absence
- Sexual harassment
- Union organization issues

He also gives litigation overview presentations for human resources professionals and managers.

In law school, he was associate editor of the *Santa Clara Law Review*.

## Professional and Community Affiliations

- Member, Labor and Employment Law Section, American Bar Association
- Member, Labor and Employment Law Section, State Bar of California
- Member, Labor and Employment Law Section, Bar Association of San Francisco
- Member, Labor and Employment Law Section, Los Angeles County Bar Association
- Member, Labor and Employment Law Section, Santa Clara County Bar Association
- Member, Board of Directors, Amanecer Community Counseling Services, 2009-2011

## Recognition

- Named, Top Northern California Lawyer, Super Lawyer Section, *San Francisco Magazine*
- Awarded, AV® Peer Review Rating, *Martindale-Hubbell*
- Named, The Best Lawyers in America®, 2020-2022

## Education

J.D., University of Santa Clara, 1980

B.A., Tusculum College, 1974, *cum laude*

## Bar Admissions

California  
New Jersey

## Publications & Press

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

*Littler Press Release*

August 19, 2021

### **Vetting the Record Before Recommending Termination**

*SHRM Online*

March 2, 2021

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

*Littler Press Release*

August 20, 2020

### **Handling Employees Who Quit—Then Change Their Minds**

*SHRM Online*

December 3, 2019

### **Best Lawyers in America© 2020 Edition Honors More Than 200 Littler Lawyers; 14 Named Lawyer of the Year**

*Littler Press Release*

August 15, 2019

### **Viewpoint: There Are New Limits on Disciplining Employees**

*SHRM Online*

March 28, 2017

### **Littler Mendelson Welcomes Richard S. Falcone Back to Its Orange County Office**

*Littler Press Release*

July 20, 2010

## Speaking Engagements

### **Southern California Legal Update Series - Ontario**

DoubleTree Hilton Ontario Airport 222 North Vineyard Avenue Ontario, California 91764

February 27, 2020

**Southern California Legal Update Series - Ontario**

Doubletree Ontario 222 N Vineyard Ave. Ontario, CA 91764

January 15, 2019

**Southern California Legal Update - Ontario**

Los Angeles, CA

January 30, 2018

**Southern California Breakfast Briefing - Ontario**

Irvine, CA

January 24, 2017

**New Employment and Labor Laws for 2016 - Ontario**

Los Angeles, CA

February 11, 2016

**New Employment and Labor Laws for 2015**

Los Angeles, CA

January 23, 2015

**Employee Relations & Engagement: Priority #1 With The Revitalization of the NLRB and the Obama Labor Agenda**

2014 California HR Conference® - Professionals in Human Resource Association (PIHRA), Anaheim, CA

August 25, 2014

**Disability Accommodation Law & Practice For California Employers in 2014**

2014 California HR Conference® - Professionals in Human Resource Association (PIHRA), Anaheim, CA

August 25, 2014

**Conducting An Employment Relations Self-Audit: An Outline For Examining HR Policies & Procedures**

HR.com Webinar

March 28, 2014

**2014 Legislative Update**

Hiring Done Right (HDR) Webinar

February 20, 2014

**New Employment and Labor Laws for 2014 and 2015**

Irvine, CA

January 24, 2014

**Conducting Effective and Legal Workplace Investigations**

Hiring Done Right (HDR) Webinar

October 10, 2013

**The Value of Employment Contracts for all California Employees**

Professionals in Human Resources Association (PIHRA)

August 28, 2013

**Conducting An Employment Relations Self – Audit: An Outline for Examining HR Policies & Procedures**

Hiring Done Right (HDR) Webinar

April 4, 2013

**Staying Union-free by Understanding “The Rules of Engagement”**

Hiring Done Right (HDR) Webinar

December 5, 2012

**What’s in Your Personnel File?**

Professionals In Human Resources Association (PIHRA), Los Angeles, CA

October 11, 2012

**How Big of a Target is Your Company – Misclassification Issues and Their Impact on Employers**

Hiring Done Right (HDR) Webinar

September 20, 2012

**California’s Pending Social Media Password Protection Law**

Professionals In Human Resources Association (PIHRA), Los Angeles, CA

September 13, 2012

**How Your Decisions Impact Employment Litigation**

2012 Annual Conference - Professionals In Human Resources Association (PIHRA), Anaheim, CA

August 27, 2012

**Employment Relations Self Audit**

2012 Annual Conference - Professionals In Human Resources Association (PIHRA), Anaheim, CA

August 27, 2012

**Whose Law Controls When Employers Have a CHOICE OF LAW Provision in an Employment Contract?**

Professionals In Human Resources Association (PIHRA), Los Angeles, CA

July 12, 2012

**The NLRB and the Perils of Being an Employer in 2012**

Hiring Done Right (HDR) Webinar

June 18, 2012

**EEOS Issues New Guidance on Use of Background Checks by Employers**

Professionals In Human Resources Association (PIHRA), Los Angeles, CA

June 14, 2012

**Although On Hold Right Now, The New NLRB Regulations Will Force Employers To Respond More Quickly To Election Petitions If The Regulations Pass Court Review**

Hiring Done Right (HDR) Webinar

June 7, 2012

**Not Yet Banned, But Requiring Social Media Information is a Bad Idea**

Professionals In Human Resources Association (PIHRA), Los Angeles, CA

April 12, 2012

**Avoid Wage & Hour Liability: Know Your Obligations for Compensating Employees for “On-Call” or “Standby” Work, and “Reporting Time”**

Professionals In Human Resources Association (PIHRA), Los Angeles, CA

March 8, 2012

**Time to Re-Check Your Social Media and Arbitration Policies**

Professionals In Human Resources Association (PIHRA), Los Angeles, CA

February 9, 2012

**The Perfect Storm: The NLRB, The Obama Agenda and Poor Economy**

Annual Legal Update - Professionals In Human Resources Association (PIHRA), Anaheim, Burbank and Riverside, CA

January 19, 2012

**An IRS Discount for Employers**

Professionals In Human Resources Association (PIHRA)

October 13, 2011

**Two for the Road – The Legal Case for Eliminating Performance Reviews**

Professionals In Human Resources Association (PIHRA)

September 8, 2011

**Dukes v. Wal-Mart – What Can HR Professionals Do Now to Minimize The Risk of Class Action Lawsuits**

Professionals In Human Resources Association (PIHRA)

July 24, 2011

**AT&T Mobility v. Concepcion: Class Action Waivers are Enforceable**

Professionals In Human Resources Association (PIHRA)

June 9, 2011

**A Tale of Two Standards – Cuiellette v. City of Los Angeles**

Professionals In Human Resources Association (PIHRA)

May 12, 2011

**Paid Leave for Employee for Organ and Bone Marrow Donation**

Professionals In Human Resources Association (PIHRA)

April 14, 2011

**How Your Decisions Impact Employment Litigation**

Professionals In Human Resources Association (PIHRA)

March 17, 2011

**The I.C.E. Man Commeth**

Professionals In Human Resources Association (PIHRA)

February 10, 2011

**Independent Contractor or Employee**

Professionals In Human Resources Association (PIHRA)

January 13, 2011

**Employment Background Checks**

Los Angeles, CA

July 8, 2010

**Federal Contractors Must Notify Employees of Their Right to Unionize**

Los Angeles, CA

June 10, 2010

**Unpaid Internship Programs Under Federal and California Law**

Los Angeles, CA

May 13, 2010

**Health Care Reform: Employer Questions, Considerations and Obligations**

Los Angeles, CA

April 8, 2010

**Emails, Social Media Sites, Employee Privacy and the Workplace**

Los Angeles, CA

March 11, 2010

**The Electronic Discovery Act**

Los Angeles, CA

February 2010

**Union Organizing Efforts: A Guideline for Managers**

Oakland, CA

June 2008

**Leaves of Absence**

Lorman Education Services, Monterey, CA

July 2007

**The New E-Discovery Rules**

San Francisco, CA

May 2007

**Mold in the Workplace**

Nevada Bar Association, Reno and Las Vegas, NV

February 2007

**The Wage and Hour Laws that Impact California Employers**

Palo Alto, CA

June, 2006

**How Your Decisions impact Employment Litigation, Santa Clara**

California Employment Law Briefing, Palo Alto, CA

April 2006