

## 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*
- Named, America's Leading Lawyers for Business, *Chambers USA*, 2013 and 2014
- 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

### **Little Ranked in Chambers USA Guide 2022**

*Little Press Release*

June 1, 2022

### **Little Ranked in Chambers USA Guide 2021**

*Little Press Release*

May 27, 2021

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

*Little 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**

*Little 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**

*Little Insight*

June 9, 2015

**Littletr Adds Richard M. Wallace to its West Virginia Office**

*Littletr 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