

## **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®, 2021-2024
- 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 Minnesota

U.S. District Court, District of Maryland

## 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**

**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