

Rich S. Falcone

Shareholder

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Practice Areas

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

Overview

Richard S. Falcone concentrates on 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®, 2020-2024

Education

J.D., University of Santa Clara, 1980

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

Bar Admissions

California
New Jersey

Publications & Press

How to Avoid a Claim of 'Pretaliation'

SHRM Online

March 9, 2023

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

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

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

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

Press Release

July 20, 2010

Events & Speaking Engagements

Southern California Legal Update Series - Ontario

February 27, 2020

Southern California Legal Update Series - Ontario

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