

Employment Relationships, Counseling and Advisory Services

Williams & Connolly's employment practice includes the representation of corporations, boards of directors, board committees and senior executives in a broad range of employment-related matters. Our clients include public, private and non-profit organizations across an array of industry sectors.

A primary focus of the firm's practice is addressing litigation risk in the clients' creation and on-going management of employment relationships, conducting internal investigations, and successfully resolving actual or threatened litigation through strategic planning and negotiation. When litigation cannot be avoided, however, the firm brings the full scope of its experience to bear in vigorously pursuing or defending claims at trial. We handle employment litigation involving allegations of unlawful discrimination or harassment, alleged violations of statutory rights such as the Family and Medical Leave Act and its state counterparts, breaches or enforcement of restrictive covenants and non-competition agreements, unfair competition claims, contract-based employment disputes and Employee Retirement Income Security Act ("ERISA") claims.

We also frequently counsel senior executives in forming and severing business relationships, and we have brought or defended claims on behalf of senior executives in high-stakes litigation.

Advisory Services

In providing advisory services, the firm helps its clients navigate the formation, maintenance and dissolution of employment relationships and develop and implement related policies and procedures, including:

- Developing and implementing employee handbooks and policies for employers addressing such subjects as conflicts of interest, alternative dispute resolution, confidentiality, trade secrets, intellectual property, restrictive covenants and severance;
- Advising employers regarding hiring, evaluation, documentation and termination decisions;
- Developing and implementing compensation and retention programs for employers; and
- Negotiating and documenting offer letters, employment, consulting, non-compete, non-solicitation and separation agreements and other related documents for senior executives, independent contractors and companies alike.

Internal Investigations

The firm is frequently called upon to investigate issues of actual or potential malfeasance by company employees or management. These investigations span a broad range of legal issues, including:

- Claims of employment discrimination and harassment under the full scope of federal and state anti-discrimination laws;
- Allegations of financial and ethical improprieties under Sarbanes-Oxley and other federal and state fraud protections; and
- Claims of wrongful discharge and breach of contract.

- The firm is often called upon for such investigations by a corporation's Audit Committee as well as in-house counsel where the sensitive nature of the issues, or of the positions of employees or members of management to be investigated (which may include members of the in-house legal team and/or human resources department), require independent outside counsel. Likewise, we are called upon by management to conduct pre-litigation investigations, either as neutral investigators or to mount the company's defense, where matters involve individual employees asserting allegations of discrimination or other unlawful conduct.

Litigation

Our attorneys litigate employment cases throughout the country, at both the trial and appellate level, including before federal and state courts, the Equal Employment Opportunity Commission ("EEOC") and other administrative agencies, and domestic and international arbitration tribunals.

The firm has represented and currently represents major corporations in ERISA litigation, which frequently involves defending companies, investment committees, investment advisers and individuals against allegations that they breached their fiduciary duties. We have prevailed in such matters at trial and on appeal.

In cases involving claims of race, age, disability, and sex discrimination, the firm has represented several major media companies, major law firms, a Fortune 500 pharmaceutical company, nationally known charities and non-profit organizations, and a wide range of other multi-national business enterprises. The firm's experience covers not only employment discrimination claims of individuals, but also the defense of class actions involving thousands of individuals.

- For example, the firm successfully defeated class action certification in claims of racial discrimination and harassment brought by warehouse workers against a large grocery chain.
- The firm also successfully defended an automobile retailer against claims of race discrimination in denial of a dealership franchise.
- The firm defended a multi-national tech company against multiple sexual harassment and other Title VII claims asserted based on alleged conduct of senior executives.
- The firm defended a regional corporation in financial services industry before the EEOC regarding claims of sexual harassment and religious discrimination.
- The firm advised and defended a major AmLaw law firm regarding FMLA and ADA claims, and their state counterparts.
- The firm defended leading global professional services company in ERISA breach of fiduciary duty litigation alleging negligent investment advice.
- The firm defended a global corporation and its officers in ERISA class action.
- The firm defended a major university in several lawsuits alleging gender and racial discrimination in tenure and hiring decisions.

We also have a record of success in enforcing and/or limiting restrictive covenant and non-competition agreements.

- For example, Williams & Connolly prevented Par Ridder, publisher of the St. Paul Pioneer Press, from decamping to its main competitor the Minneapolis Star Tribune with proprietary information belonging to the Pioneer Press and another Pioneer Press executive.

- Similarly, we successfully represented the largest legal placement firm in Washington in a dispute with a group of former employees who attempted to establish a competing enterprise in violation of various contractual and statutory obligations.
- The firm also successfully pursued injunctive relief and damages on behalf of Riggs Investment Management Corporation in connection with a competing firm formed by former employees.

We have represented both employers and senior executives in a wide range of employment-related contractual disputes.

- The firm represented coach Larry Brown in his multi-million dollar employment dispute with the New York Knicks.
- The firm also represented Dick Grasso, former chairman of the New York Stock Exchange, in his dispute with the New York Attorney General over his compensation. *The Wall Street Journal* described the firm's victory in that case as "one of the biggest defeats suffered by authorities in the past decade in white-collar civil and criminal cases aimed at alleged financial improprieties."
- The firm acted for nine inter-dealer brokers in a Financial Industry Regulatory Authority, Inc. ("FINRA") arbitration brought by a London-based brokerage involving claims of illegal hiring and alleged theft of confidential information and breaches of fiduciary duties by the employees. After merits hearings spread over three months, the Panel denied the multi-million dollar claims in their entirety and granted 100% of the employees' counterclaims.