



JAMES A. MUSGRAVE

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PRACTICE SUMMARY

James was selected for inclusion on the list of *Rhode Island Rising Stars* by Super Lawyers from 2010 through 2016.

James helps clients with all facets of labor and employment law. His practice ranges from counseling clients on day to day personnel matters to assisting them with major challenges, such as collective bargaining negotiations, reductions in force and outsourcing.

James has successfully represented clients in state and federal courts in employment matters, including claims of employment discrimination, non-competition agreements and wage and hour violations. He has extensive experience in labor arbitration matters, including grievances contesting discharges and outsourcing as well as interest arbitration matters. James also handles unemployment appeals.

In addition to labor and employment matters, James represents clients in business disputes and other litigation matters. He also undertakes much of the firm's appellate practice and regularly appears before the Rhode Island Supreme Court and the First Circuit Court of Appeals.

PRACTICES

Labor & Employment
Commercial Litigation

EDUCATION

Harvard Law School, J.D. *cum laude* (2002)
Emory University, B.A. (1999)

BAR ADMISSIONS

Rhode Island, 2002
Massachusetts, 2003

PROFESSIONAL & COMMUNITY INVOLVEMENT

Greater City: Providence
Elmhurst Clean & Green
Race to the Top - Steering Committee, member
Rhode Island Bar Association

REPRESENTATIVE MATTERS

- Defended non-profit social service agency in wage and hour class action involving alleged misclassification and undocumented work time
- Achieved dismissal of age discrimination and whistleblower claims brought against local hospital and health care system.
- Obtained substantial settlement for a young woman who was subjected to unwanted sexual advances by president of company.
- Negotiated separation agreement for member of financial institution's senior leadership team
- Advised small business undergoing wage and hour audit by U.S. Department of Labor
- Successfully defended arbitration matter involving claims for breach of contract and breach of implied covenant of good faith and fair dealing, where damages were alleged in excess of \$4,000,000.00.
- Secured dismissal of baseless Charge of Discrimination from Rhode Island Commission for Human Rights filed against small business owner by disgruntled former employee.
- Secured substantial settlement for retiree whose former employer wrongfully denied him his pension benefit from a defined benefit pension plan and the refused to provide information required by ERISA.
- Co-authored amicus curiae brief to the Rhode Island Supreme Court on behalf American Arbitration Association concerning unauthorized practice of law in context of labor arbitration.
- Prevailed in labor arbitration challenging municipality's subcontracting of custodial services.
- [Prevailed](#) before Rhode Island State Labor Relations Board in unfair labor practice complaint arising out of municipality's use of non-bargaining unit workers at animal shelter.
- Obtained dismissal of medical malpractice action on summary judgment grounds. Briefed and argued case before the Rhode Island Supreme Court which [upheld](#) the dismissal.
- Obtained substantial settlement for worker who was terminated when he requested brief leave of absence to obtain treatment for HIV.
- [Obtained](#) summary judgment on breach of duty of fair representation claim, which was affirmed by the First Circuit Court of Appeals.
- Secured award in labor interest arbitration worth \$60,000 more than opposing party's final proposal.

SPEAKING ENGAGEMENTS OR PUBLICATIONS

- *Employment Laws Made Simple*, National Business Institute, June 2012
- *Ensuring I-9 Compliance*, RCFP Employment Law Bulletin, April 2011
- *When should an employee who commits a terminable offense, not be terminated?*, Presentation to Schmidt Labor Research Center's Annual Labor Arbitration Conference, October 2010
- *New FMLA regulations necessitate review of FMLA policies and procedures*, RCFP Employment Law Bulletin, July 2009
- *The ADA: Supreme Court Restrictions Rebuffed by Congress*, Presentation to Annual Meeting of Rhode Island Bar Association, June 2009
- *The Importance of Documentation in Employee Discipline*, National Business Institute, March 2007