



#### 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 2017 and was honored by Rhode Island Monthly for Professional Excellence in Law in the area of Labor & Employment law.

James helps clients with all facets of labor and employment law. His practice ranges from counseling clients on day to day personnel matters, drafting employee handbooks and non-competition agreements, negotiating severance agreements, 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 involving employment discrimination, retaliation for whistleblowing, 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

#### 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

Elmhurst Youth Baseball  
Rhode Island Bar Association  
Race to the Top - Steering Committee, *past member*

Supreme Court and the First Circuit Court of Appeals.

#### 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.
- As a cooperating attorney with the Rhode Island ACLU challenged the constitutionality of RISP Gaming Enforcement Unit's exclusion of employees from Rhode Island casinos without due process of law.
- 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 substantial settlement for retiree whose former employer wrongfully denied him his pension benefit from a defined benefit pension plan and 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](#) summary judgment on breach of duty of fair representation claim, which was affirmed by the First Circuit Court of Appeals.

#### 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