

ATTORNEY BIOGRAPHY



Richard C. Van Nostrand

Partner

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Legal Administrative Assistant

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Practice Groups and Specialty Areas

Business and General Litigation
 Commercial Litigation
 Employment Litigation
 Probate, Trust and Fiduciary Litigation
 Alternative Dispute Resolution

Education

JD, Duke University Law School (1980)

BA, Binghamton University (1977)

Bar and Court Admissions

Massachusetts

U.S. Supreme Court

U.S. Court of Appeals for the First Circuit

U.S. District Court for Massachusetts

Professional/Community Affiliations

Massachusetts Bar Association, past president

New England Bar Association, past president

Worcester County Bar Association, past president

American Bar Association, House of Delegates, Litigation and Employment Law Sections

Judicial Nominating Commission, former commissioner by appointment of the Governor

Massachusetts Legal Assistance Corporation, director by appointment of Supreme Judicial Court

MCLE, Inc., first vice president, trustee

Rich has extensive experience in general civil trial work, with concentrations in business, commercial and employment litigation. He provides advice and representation in a variety of business and commercial litigation matters, including shareholder disputes, corporate dissolutions, intra- and inter-company disagreements, and intra-family business disputes. Rich also provides ongoing employment litigation and counseling services to numerous clients in the private, public and higher education sectors. In the private sector, Rich represents clients in a broad range of industries including health care, professional services, high technology, industrial and manufacturing. In addition, he is also frequently selected by litigants to assist in the resolution of their disputes as an independent arbitrator or mediator. Rich is well known throughout the state and region. He served as president of the Massachusetts Bar Association and subsequently, as president of the New England Bar Association. His trial expertise and judgment were recognized by Governor Deval Patrick, who appointed Rich to the Judicial Nominating Commission, a 21-member body that evaluates and recommends individuals for appointment to the bench, and the Supreme Judicial Court, who appointed him to two successive five-year terms on the Board of Directors of the Massachusetts Legal Assistance Corporation, a statutory entity that oversees the funding and delivery of legal services to the underprivileged throughout the Commonwealth. He also served as President and has served for more than twenty years on the Board of Trustees of MCLE, Inc., the preeminent continuing legal education provider in Massachusetts.

In 2011, Rich received the Massachusetts Bar Association Community Service Award. In 2006 and 2008-2019, Rich was named a Massachusetts "Super Lawyer" by *Boston* magazine and *Law & Politics*. Rich was selected by his peers for inclusion in *The Best Lawyers in America*© 2021 in the fields of Commercial Litigation; and Litigation – Labor and Employment. First listed in 2012. Rich was also named the *Best Lawyers*® Westborough Litigation – Labor and Employment "Lawyer of the Year" in 2021. Rich has also received an AV® Preeminent Peer Review Rating by *Martindale-Hubbell*, the highest rating available for legal ability and professional ethics, for over three decades.

Representative Matters – Business and Commercial Litigation

- Obtained a seven-figure jury award on behalf of a manufacturer in the United States District Court in a breach of contract claim against its former joint venturer
- Obtained six-figure award in private arbitration in favor of minority shareholder for breach of contract and breach of fiduciary duties by majority shareholders
- Obtained six-figure award in private arbitration in favor of minority shareholder for breach of contract and breach of fiduciary duties by majority shareholders
- Obtained defense verdicts in favor of the research department of a world-renowned university against breach of contract claims in Worcester Superior Court

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Representative Matters – Business and Commercial Litigation (continued)

- Successfully argues for the Massachusetts Court of Appeals to uphold lower court dismissal of claims against a businesswoman by a private lender to holder her liable for developer spouse's debt
- Secured preliminary and permanent injunctions in the Business Litigation Session of Suffolk Superior Court on behalf of a nanotechnology business against its former chief chemist for trade secret misappropriation
- Successfully defended packaging supplier and new sales employee in the Business Litigation Session of Suffolk Superior Court against efforts to restrain their competitive activities

Representative Matters – Employment Litigation

- Secured defense verdicts on behalf of a municipality, its Board of Selectmen and its chief professional officer against claims of sexual harassment and retaliation in the United States District Court
- Successfully defended an office solutions company in the United States District Court against a race discrimination claim brought by a regional sales manager
- Successfully defended a college against claims of breach of contract and gender discrimination by its former dean in Worcester Superior Court
- Successfully argued in favor of lower court dismissal of gender discrimination and other statutory and common law claims against aerospace manufacturer before the Supreme Judicial Court
- Successfully argued in favor of lower court dismissal of disability discrimination claims against professional services firm in the United States First Circuit Court of Appeals
- Successfully argued motion of summary judgment dismissing race discrimination claims against warehouse and bulk supplier in the United States District Court
- Successfully argued motion for summary judgment dismissing wrongful termination and wrongful death claims against plastics executive in Middlesex Superior Court

Publications/Presentations

- Presenter “Proposed National Ban on Noncompetes: What Employers Need to Know,” Massachusetts Lawyers Weekly Webinar, February 9, 2021
- “Non-Competition Agreements Act of Massachusetts,” *On Air with Mirick O’Connell* legal podcast, September 4, 2020
- “A Trap for the Unwary: A Furlough May Compromise Your Non-Compete Agreement,” Mirick O’Connell Client Alert, May 9, 2020
- Quoted in “SJC: cost to replace lab a valid damages measure. But is split on whether to restrict use of award,” *Massachusetts Lawyers Weekly*, May 7, 2020
- “The Firm’s Diversity and Inclusion Committee’s mission and ongoing efforts,” *On Air with Mirick O’Connell* legal podcast, April 22, 2020
- “The Massachusetts Noncompetition Act-15 Months Later,” Worcester County Bar Association, January 6, 2020
- Panelist, “1st Look” at Massachusetts’ New Noncompete & Trade Secret Laws, MCLE, 2018
- Quoted in “Mass. Noncompete Law Overhaul Not As Strict As It Seems,” *Law360*, August 17, 2018
- Panelist, *Attorney Conducted Voir Dire* (2016, 2015), Worcester County Bar Association
- Moderator, *Voir Dire: Watch & Learn* (2016), MCLE, 2016
- Moderator, *Recruitment and Retention of Medical Personnel in a Volatile Landscape*, Iandoli, Desai and Cronin and Mirick O’Connell Client Seminar (2016)
- Contributor, *Selected Case Investigation Techniques: Conducting Client Interviews, Obtaining Witness Statements, and Using Investigators*, Houlihan, J., editor, **MASSACHUSETTS DISCOVERY PRACTICE** (MCLE, 2002, original publication date, 2004, 2008, 2012, 2014, 2016 supplements)
- Moderator, *Words Matter Or Do They: Dealing with Micro-Aggressions (And Micro-Aggressors) in the Workplace* (2016); *Fifty Shades of Gray: Coping with Employment Records and Personnel Files* (2014); *The Higgs and Lows of the HR World (Workplace Violence and Medical Marijuana Law)* (2013) *Are You Serious?! That’s a Real Claim (Associational Discrimination, Cat’s Paw Liability and Subconscious Bias)* (2012); *Challenges Presented to Employers by the Widening World of Social Media* (2011); *Independent Contractors; Family Responsibilities Discrimination and Management Do’s and Don’t’s* (2010); *Managing the Challenging / Challenged Employee* (2009); Human Resources Management Association
- Panelist, *The Wheel of Misfortune: Reasonable Accommodation Under the ADA* (2016); *Top Areas to Focus On To Ensure Your HR House Is In Order* (2013); *Advanced Topics for the Human Resources Professional* (2012); *Avoiding Legal Pitfalls When Managing FMLA and Disability-related Leaves of Absence* (2011); *Advanced Topics Under the Americans with Disabilities Act: Walking the Fine Line With the Addicted Employee* (2007); Mirick O’Connell Annual Labor, Employment and Employee Benefits Seminar
- Panelist, *Practicing with Professionalism* (2015, 2014), MCLE, Inc.
- Panelist, *More Than Billable Hours: Public Interest, Community Participation and Scholarship* (2013); *Outside the Office: Community Leadership from Busy Lawyers* (2011); Duker Business Law Society

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Publications/Presentations (continued)

- Panelist, *Protecting Customer Goodwill and Confidential Information With Non-Competition Agreements: Are They Worth The Paper They're Printed On?* (2008); *Making and Breaking Non-Compete Agreements: Enforcement Strategies* (2008); Massachusetts Bar Association
- Panelist, *Managing Divisive Issues – Entering the Fray and Living to Tell About It* (2004); American Bar Association, National Association of Bar Executives
- Contributor, *The Proprietors of Charles River Bridge v. the Proprietors of Warren Bridge and Harvard College and Massachusetts General Hospital v. Francis Armory*, Kass R. and Greaney J., editors, **LEGAL CHOWDER: LAWYERING AND JUDGING IN MASSACHUSETTS**, (MCLE, 2002)