

ATTORNEY BIOGRAPHY



Richard C. Van Nostrand

General Counsel

Tel: 508.860.1453 | **Fax:** 508.207.9347 | **Email:**
rvannostrand@mirickoconnell.com

Westborough Office:

1800 West Park Drive | Suite 400 | Westborough | MA | 01581-3926

Legal Administrative Assistant

Christine A. Killian

Tel: 508.860.1440 | Email: ckillian@mirickoconnell.com

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

U.S. District Court for Connecticut

Professional/Community Affiliations

Board of Bar Overseers, Member by appointment of the Supreme Judicial Court

MCLE, Inc., Emeritus Trustee

Massachusetts Bar Association, past president

New England Bar Association, past president

Worcester County Bar Association, past president

American Bar Association, former Delegate from Massachusetts

Judicial Nominating Commission, former Commissioner by appointment of the Governor

Massachusetts Legal Assistance Corporation, former Director by appointment of the Supreme Judicial Court

Practice Groups and Specialty Areas

Business and General Litigation

Commercial Litigation

Employment Litigation

Alternative Dispute Resolution

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 and public sectors, including employers in health care, higher education, professional services, high technology, industrial and manufacturing. In addition, he serves as a neutral 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. Massachusetts Governor Deval Patrick appointed Rich to the Judicial Nominating Commission, which evaluates and recommends individuals for appointment to the bench. The Massachusetts Supreme Judicial Court appointed him to the Board of Bar Overseers on which he currently serves and 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 currently serves as Emeritus Trustee of MCLE, Inc., the preeminent continuing legal education provider in Massachusetts.

Rich was included in the 2024 edition of *The Best Lawyers in America*® for Arbitration, Commercial Litigation, Employment Law – Management, and Litigation – Labor and Employment. He has been recognized in *The Best Lawyers in America*® since 2011. Rich was also named the *Best Lawyers*® Litigation – Labor and Employment “Lawyer of the Year” in Westborough, 2024, 2021. For over 15 years, Rich has been named a Massachusetts “Super Lawyer” by *Boston* magazine and *Law & Politics*. In 2011, Rich received the Massachusetts Bar Association Community Service Award. 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 million dollar plus jury verdict on behalf of a manufacturer in the United States District Court in a breach of contract claim against its former joint venturer
- Obtained substantial award in private arbitration in favor of minority shareholder for breach of contract and breach of fiduciary duties by majority shareholders
- Obtained substantial award in private arbitration in favor of travel industry plaintiff for breach of contract by joint venturer

ATTORNEY BIOGRAPHY – RICHARD C. VAN NOSTRAND

Representative Matters – Business and Commercial Litigation (continued)

- Obtained defense jury verdicts in favor of world-renowned university against breach of contract claims in the Worcester Superior Court
- Obtained dismissal of claims against a businesswoman by a private lender seeking to hold her liable for developer spouse's debt in the Worcester Superior Court; successfully defended dismissal in the Massachusetts Appeals Court
- 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 in the Business Litigation Session of Suffolk Superior Court against efforts to restrain its competitive activities
- Obtained verdict in favor of lighting distributor against former customer; successfully defended verdict in the Massachusetts Supreme Judicial Court

Representative Matters – Employment Litigation

- Obtained jury verdict in favor 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
- Obtained jury verdict in defense of gender and pregnancy discrimination claims against professional services firm in the Worcester Superior Court
- Obtained jury verdict in defense of office solutions company in the United States District Court against a race discrimination claim brought by a regional sales manager
- Successfully defended a higher education institution against jury claim of breach of contract and gender discrimination by its former dean in the Worcester Superior Court
- Obtained dismissal of gender discrimination and other statutory and common law claims on summary judgment against aerospace manufacturer in the Worcester Superior Court; successfully defended dismissal in the Massachusetts Supreme Judicial Court
- Obtained dismissal of disability discrimination claims against professional services firm in the United States District Court; successfully defended dismissal in the United States First Circuit Court of Appeals
- Obtained jury verdict in defense of age discrimination claims by salesman against automobile dealership in the Middlesex Superior Court
- Obtained jury verdict in defense of discrimination claims against warehouse and bulk supplier in the United States District Court
- Obtained dismissal of wrongful termination and wrongful death claims against plastics executive in the Middlesex Superior Court

Recent Publications/Presentations

Topic: Restrictive Covenants, Noncompetition Agreements and Trade Secrets

- Author, *The Times They Keep A-Changing: The New Illinois Restrictions On The Use Of Non-Compete And Non-Solicit Agreements* (2022); *The District of Columbia's Aggressive Ban on Non-Compete Agreements Likely To Take Effect in 2022* (2022); *A Trap for the Unwary: A Furlough May Compromise Your Non-Compete Agreement* (2020); *More News on Restrictive Covenants: SJC Speaks on Anti-Raiding Clauses and Equitable Remedies* (2020); *The Summer of Noncompete Reform: Three Other New England States Get In On the Act – Part 1, "Off-The-Clock"* (2019); *The Summer of Noncompete Reform: Three Other New England States Get In On the Act – Part 2* (2019); *More News On the Noncompete Front: Employers Should Still Expect Strict Scrutiny Of Their Restrictive Covenant Agreements* (2019); *The Noncompetition Agreements Act and Garden Leave: Another Open Question Answered* (2019), "Off-The-Clock" Mirick O'Connell Employment Blog
- Presenter, *Proposed National Ban on Noncompetes: What Employers Need to Know*, Massachusetts Lawyers Weekly Webinar (2021)
- Author, *The Era of Noncompete Reform in New England*, Worcester County Bar Association, Legal Lines (2020)
- Podcast, *Non-Competition Agreements Act of Massachusetts, On Air with Mirick O'Connell* (2020)
- Presenter, *The Massachusetts Noncompetition Act - 15 Months Later*, Worcester County Bar Association (2020)
- Panelist, "1st Look" at Massachusetts' New Noncompete & Trade Secret Laws, MCLE (2018)
- Panelist, *Protecting Customer Goodwill and Confidential Information With Non-Competition Agreements: Are They Worth The Paper They're Printed On?* Massachusetts Bar Association (2008)
- Panelist, *Making and Breaking Non-Compete Agreements: Enforcement Strategies*, Massachusetts Bar Association (2008)

Topic: Employment Law

- Author, *A Rebalancing for Wage Act Claims and Class Actions?* (2019); *WARN Act Violations ≠ Wage Act Violations* (2019); "Off-The-Clock" Mirick O'Connell Employment Blog
- Moderator, *Recruitment and Retention of Medical Personnel in a Volatile Landscape*, Iandoli, Desai and Cronin and Mirick O'Connell Client Seminar (2016)
- Moderator, *Pay Equity Audits: To Audit or Not To Audit, That Is The Question?* (2018); *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 Highs 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 Seminars
- Panelist, *The Massachusetts Equal Pay Act and Pay Equity Audits: Why and How?* (2018); *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 Seminars

ATTORNEY BIOGRAPHY – RICHARD C. VAN NOSTRAND

Publications/Presentations (continued)

Topic: Trial Practice

- 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, 2021 supplements)
- Panelist, *Attorney Conducted Voir Dire*, Worcester County Bar Association (2016, 2015)
- Moderator, *Voir Dire: Watch & Learn*, MCLE (2016)

Topic: Legal Profession and the Practice of Law

- Author, *FinCEN and ABA Resolution 100 – BOLO “Red Flags”* (2024); *The “No Contact” Rule and “Reply All”*; *How Far Is Too Far; So Your Unhappy Client Has Played the BBO Card; The Right Way to Get Engaged; A General Counsel’s Worst Nightmare; Referral Fees Revisited; In the Age of FinCEN, What You Don’t Know May Hurt You(r Client); ‘Tis the Season .. to Ethically Collect Your Receivables* (2023); *No Good Deed Goes Unpunished (or at least unadmonished by the BBO), What To Do If You Are the Subject of a Negative Online Review?* (2022); General Counsel Corner (internal newsletter)
- Panelist, *Optimizing Your Fee Agreement*, Worcester County Bar Association (2022)
- Panelist, *Practicing with Professionalism* (2015, 2014), MCLE, Inc., (2015) Massachusetts Bar Association
- Panelist, *More Than Billable Hours: Public Interest, Community Participation and Scholarship* (2013); *Outside the Office: Community Leadership from Busy Lawyers* (2011); Duke University School of Law, Business Law Society
- Panelist, *Managing Divisive Issues – Entering the Fray and Living to Tell About It* (2004); American Bar Association, National Association of Bar Executives

Topic: Diversity, Equity, Inclusion and Belonging

- Panelist, *Diversity, Equity and Inclusion Forum*, Worcester Business Journal, November 16, 2023
- “Diversity and Inclusion in Law Firms,” *On Air with Mirick O’Connell* legal podcast, April 15, 2020