

Richard S. Cleary

Partner

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Industries

Energy

Consumable Goods

Industrials

Manufacturing

Mobility

Utilities

Practice Areas

Labor & Employment

Collective Bargaining & Arbitrations

Employee Safety & OSHA

Employment Discrimination & Wrongful Termination

Private Equity & Venture

Trade Secrets & Covenants Not to Compete

Union Avoidance / Campaigns

Bar Memberships

Kentucky

Washington, D.C.

Rich represents employers exclusively, including in collective bargaining; the litigation of labor claims before the courts, the National Labor Relations Board and arbitral forums; the defense of employment and wage and hour actions; and counseling concerning the labor and employment law implications of corporate restructuring.

As a nationally recognized lawyer, Rich is a fellow of the College of Labor and Employment Lawyers. Rich has been selected for inclusion in *Kentucky Super Lawyers*® since 2007, in the "Top 10 Attorneys in Kentucky" every year between 2011 and 2017 and received the most votes of any Kentucky lawyer in the 2012 and 2016 *Kentucky Super Lawyers*® surveys. Rich has been included in *The Best Lawyers in America*© since 2003. He is consistently ranked first-tier in *Chambers USA*® for labor and employment law practitioners. Rich served on the leadership council of the ABA Labor and Employment Law Section from 2006 to 2014.

Rich has edited the Kentucky Employment Law Letter since 1989 and written and presented extensively on the National Labor Relations Board and collective bargaining.

What Clients Say About Rich

"Richard Cleary ably represents employers in a range of matters including significant discrimination and wage and hour litigation. He also is 'very well regarded by peers' for his experience handling collective bargaining matters." – 2018

"Clients 'always love' Richard Cleary, an 'outstanding' traditional labor attorney who is praised for his handling of collective bargaining agreement negotiations. Commentators say: 'He is really helpful for negotiations, he is very client service oriented, he is collaborative and he is creative.'" – 2017

"Richard Cleary is known for his representation of employers in a range of disputes including employment defense and wage and hour actions. He is also experienced in counseling employers on the legal effects of corporate restructuring." – 2016

"The highly regarded and 'proactive' Richard Cleary has been labeled 'first class' by clients and is seen as an 'incredible business partner'." – 2014

"Described by clients as a 'pragmatic…attorney with top notch knowledge, Cleary acts exclusively for employers defending a wide variety of claims including wage and hour collective bargaining and labor and employment aspects of corporate restructuring'." – 2011

"Richard is a gifted practitioner who is servant oriented and professional at all times. He is the genuine article who always delivers the goods. I have worked with Mr. Cleary on a variety of labor and employment issues for over a decade. He is a skilled negotiator in collective bargaining and a superior litigator before the NLRB, the courts, and in appellate work. His briefs are always clear and right on the mark. He has a gift for instantly recalling case names and decisions, as well as detailed facts of cases he is handling. He is very intelligent, straightforward, honest, and cost conscious. He has never missed a deadline and is a pleasure to work with. I would highly recommend him." – Associate General Counsel, national logistics company

"Richard Cleary is extremely bright, capable, and responsive. He is one of the best outside counsel that I have ever worked with. He has represented every company for which I have worked throughout my career due to his fabulous expertise

and representation." – Associate General Counsel, international hotel franchisor

"I have had the honor of working with Rich Cleary on multiple labor negotiations and other labor/management issues. During my 20 years in human resources, I have never met an attorney or any other professional with more class or expertise than Rich. Rich is an exceptional attorney, but that is not what makes him different from others like him. His trust, integrity, and ability to communicate at all levels of management and genuine concern and respect for all individuals are only a few of the traits that set him apart. As an attorney, he represents his firm and clients with a passion and he is well respected by both sides of the table. His ability to understand situations, prepare himself and witnesses, and present our position is truly exceptional. Rich truly is one of the best." – VPHR, major metals producer

Other Info About Rich

Education

Georgetown University Law Center, J.D., 1981

Washington and Lee University, B.A., Economics, 1978, *cum laude*

Courts

United States Supreme Court, 1990

United States District Court for the Western District of Kentucky, 1981

United States Court of Appeals for the Sixth Circuit, 1983

United States District Court for the Eastern District of Kentucky, 1989

United States Court of Appeals for the Seventh Circuit, 1993

Recognition

College of Labor and Employment Lawyers, Fellow

Selected to Kentucky Super Lawyers, 2007-2026

"Top 10 Attorneys in Kentucky", *Kentucky Super Lawyers®*, 2011-2017 (Top vote recipient in 2012 and 2016)

"Top 50 Attorneys in Kentucky", *Kentucky Super Lawyers®*, 2007-2021

Chambers USA, Labor and Employment, 2003-2026

The Best Lawyers in America®, Employment Law – Management, 2003-2016; Labor Law – Management, 2011-2027; Litigation – Labor and Employment, 2021-2027

The International Who's Who of Management Labour and Employment Lawyers, Who's Who Legal, 2007-present

The International Who's Who of Management Labour and Employment Lawyers, Who's Who Legal, 2007-present

Professional Affiliations

Employers Counsel Network, Kentucky representative, 1989-present

American Bar Association Labor and Employment Law Section, Council Member, 2006-2014

NLRB Region 9 Practice and Procedure Committee, Member, 2002-2008

American Bar Association, Co-Chair (Management), Committee on the Development of the Law Under the National Labor Relations Act, Labor and Employment Law Section, 1999-2002

American Bar Association, Program Co-Chair (Management), Committee on the Development of the Law Under the NLRA, 1996-1999

Kentucky Bar Association

Louisville Bar Association, Member; Former Chair, Labor and Employment Law Section

Civic Activities

Pendennis Club, Board of Directors, Vice President and Member of Executive Committee, 2021-present

Ethics Committee, City of Indian Hills, Kentucky 2019-present

River Valley Club, President of Board 2013-2017; Board of Directors 2011-2019; 2021-present

Member of Strategic Planning Committee and Altar Server, Cathedral of the Assumption

University of Louisville Labor-Management Center Advisory Board, Co-Chair, 2008-2011

2008 Ryder Cup, Governor's Advisory Board

Washington and Lee University, Parents Council, Member, 2005-2009

Kentucky Country Day School, Athletic Boosters Club, President, 2006-2007

Lawyers Club, President, 2005-2006

Washington and Lee University, National Alumni Board, 1997-2001

American Heart Association, Louisville Chapter Board of Directors, 1996-2001

Georgetown University Law Center, National Alumni Board, 1992-1996

Leadership Louisville, 1990-1991

The Denbarr Club

Federalist Society Chapter

Firm Committees

Executive Committee, Member

Major Publications

"NLRB Kicks Workplace Civility, Consistent Treatment, and EEO Laws to the Curb," Co-author, *Employee Benefit Plan Review,* May 2023

Featured Articles

The Briefing | Commercial Development Industry

Labor Contract Bill Would Introduce Sweeping Risks for Companies

House Passes the Faster Labor Contracts Act: Government-Mandated Labor Contracts

NLRB Continues Assault on Employers' Free Speech Rights: Bans Mandatory Captive-Audience Meetings

NLRB Limits Employers' Right to Inform Employees About the Negative Impact of Unionization on the Employer/Employee Relationship

National Labor Relations Board Reverts to Pro-Union Election Procedures

NLRB Gives Historic Boost to Union Organizing

NLRB's New Standard: Work Rules and Policies Are Unlawful if They 'Could' Be Interpreted to Have a Coercive Meaning

NLRB Makes It Easier to Reclassify Independent Contractors as Employees

NLRB General Counsel Continues Her Attempted Erosion of Employer 'Rights': Considers Most Non-Compete Agreements Unlawful

NLRB Kicks Workplace Civility, Consistent Treatment, and EEO Laws to the Curb

NLRB Issues Aggressive Guidance on Severance Agreement Language

NLRB Changes Course About Legality of Non-disparagement and Confidentiality Clauses in Severance Agreements Given to Section 7 Employees

Consequences of the NLRB's Proposed New "Joint Employer" Rule

The NLRB Under the Biden Administration

NLRB Alters Standard on Abusive Conduct and Language in the Workplace

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