

**David S. Fryman**  
Partner

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Philadelphia



## Background & Experience

David S. Fryman is a member of Ballard Spahr's Labor and Employment Group. David represents employers in all types of labor and employment matters, including labor arbitrations, employment discrimination, and wage and hour cases; union representation campaigns and unfair labor practice proceedings; ERISA and employee benefits litigation; restrictive covenant and trade secret cases; and advice and training on a broad range of day-to-day human resource issues.

## Areas of Focus

Litigation, Labor and  
Employment, Health Care,  
Education, Retail and Fashion,  
Banking and Financial Services

## Representative Matters

- Tried numerous employment discrimination cases to verdict
- Represented multinational corporations and health care institutions in discrimination and wage and hour class actions filed by current and former employees, and ERISA class actions filed by plan participants
- Prosecuted and defended multiple preliminary injunction actions seeking to enforce noncompete and nonsolicitation agreements
- Represented three prominent research universities in proceedings involving graduate student unionization before the National Labor Relations Board and Pennsylvania Labor Relations Board
- Assisted employers in developing affirmative action plans and responding to OFCCP audits
- Represented employers being investigated for safety and wage and hour violations
- Conducted internal investigations into allegations

- of harassment and employee misconduct
- Negotiated and drafted many executive employment agreements
- Provided training on several topics, including union avoidance, prohibited harassment, and the FMLA, ADA, and FLSA

### **Pro Bono Experience**

David has worked on pro bono matters large and small, representing individuals and nonprofit organizations. For the last several years, he has been part of a team of Ballard lawyers seeking to overturn the murder conviction and death sentence of an inmate on Pennsylvania's death row.

### **Professional Highlights**

#### **Recognition & Accomplishments**

College of Labor and Employment Lawyers – Fellow, 2016

*Chambers USA: America's Leading Lawyers for Business*, labor and employment law, 2007-2018

*The Best Lawyers in America*, labor law, employment law, and labor and employment litigation, 2012-2019

Named *Best Lawyers'* 2012 Philadelphia Labor Lawyer of the Year

AV Peer Review Rating, Martindale-Hubbell

Recipient, Ballard Spahr's 2012 Alan J. Davis Award, for his pro bono work as leader of the Daniel Dougherty Capital Defense team

Recipient, *The Legal Intelligencer* and *Pennsylvania Law Weekly's* "Lawyers on the Fast Track" award, given to select young Pennsylvania lawyers whose achievements have distinguished them among their peers

Honoree for work in support of the mission of People's Emergency Center (PEC), provider of emergency shelter, transitional housing, and social services to homeless women and their children, 1997

### **Publications**

Chapter author, "The Complex World of ERISA Preemption," *ERISA: A Comprehensive Guide, Third Edition*

Co-author, "Trade Secrets and Restrictive Covenants: Keep Your Secrets Safe and Your Employees Honest," *Pennsylvania Bar Institute's 10th Annual Employment Law Institute* (Vol. II)

### **Speaking Engagements**

Co-Speaker, "Leaves of Absence: Navigating the FMLA, ADA, and State/Local Laws," 2018 Ballard Spahr SEPA SHRM HR Legal Summit, September 14, 2018

"2015 NLRB Update" 8<sup>th</sup> Annual HR and Employment Law Conference, Midatlantic Employers' Association, King of Prussia, PA, November 13, 2015

"Retaliation/Whistleblowers," 2015 HR Legal Summit: Labor and Employment Law Compliance for Today's HR Professional, Ballard Spahr and SEPA SHRM conference, Langhorne, Pa., September 11, 2015

"Basics of Wage and Hour Law – Litigating Wage and Hour Cases," Pennsylvania Bar Institute, July 22, 2014

"Advanced Topics in Wage and Hour Litigation," Pennsylvania Bar Institute Employment Law Institute, April 17, 2013

"Litigating Wage and Hour Cases – Tips from the Front Lines." Pennsylvania Bar Institute.

Philadelphia, July 24, 2012

"Employment and Employee Benefits Law for Nonprofits," Ballard Spahr CLE program, Philadelphia, February 8, 2012

"Office of Federal Contract Compliance Programs: What's in Store for 2012?" Ballard Spahr webinar, November 17, 2011

"Whistleblowing in the Workplace," Ballard Spahr seminar, Philadelphia, May 4, 2011

"I Won't Be in Today: The Interplay of Employee Rights under the ADA and FMLA," Ballard Spahr seminar, Philadelphia, November 3, 2010

"Misclassification of Employees: Independent Contractors, Tax Implications, Wage and Hour, ERISA, Benefits Implications," Ballard Spahr seminar/webinar, Philadelphia, October 23, 2009

"Hiring, Firing, and Everything in Between," Ballard Spahr seminar, Philadelphia, March 13, 2009

"Employee Discharge and Documentation," Lorman Education Services, Wilmington, Delaware, October 7, 2008

"Trade Secrets and Restrictive Covenants: Keep Your Secrets Safe and Your Employees Honest," Pennsylvania Bar Institute's 10th Annual Employment Law Institute, Philadelphia, April 14, 2004

"The Student As Employee," Annual Meeting of the National Association of College and University Attorneys, Minneapolis, June 2003

#### **Board Service**

People's Emergency Center, former President

Arden Theatre Company, former President

**Education**

George Washington University Law School (J.D. 1989, with honors)

Lafayette College (A.B. 1985)

**Admissions**

New Jersey

Pennsylvania

U.S. District Courts for the Eastern, Middle, and Western Districts of Pennsylvania

U.S. District Court for the District of New Jersey

U.S. Court of Appeals for the Third Circuit

U.S. Court of Appeals for the Fifth Circuit

U.S. Supreme Court