



Joshua A. Hawks-Ladds

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Joshua A. Hawks-Ladds is chair of the Labor and Employment Section of the firm's Litigation Department. His practice includes consulting on and litigating business, construction, labor and employment and civil rights matters and municipal law. His experience includes trials in state and federal courts and before administrative tribunals, as well as extensive lecturing and consulting on trial practice, contract, labor and employment law issues.

From 1998 through 2008, Josh authored the Connecticut Bar Association's official treatise on labor and employment law, "Labor Relations and Employment Law: Developments in Connecticut," published annually in the *Connecticut Bar Journal*. He co-authors the Connecticut Bar Association's "Annual Survey of Labor and Employment Cases." He was a contributing author to the *Hartford Business Journal* on labor and employment matters through 2003, and has been interviewed for commentary on labor issues in periodicals nationwide. Josh's recent articles include "Legality of Personality Tests Under the Americans with Disabilities Act," (*Connecticut Lawyer*, June/July 2007); "Midstream Covenants Not to Compete: Is Continued Employment Enough?" (*Connecticut Lawyer*, June/July 2005); "May State Employees Sue Their Employer for Damages under FMLA's Family Care Provision?" (*PREVIEW of United States Supreme Court Cases*, January 4, 2003); "Does Actionable Emotional Distress Exist in the Connecticut Workplace?" (*Connecticut Lawyer*, October 2002); and "A Case of Interpretation" (*Connecticut Lawyer*, November 2001). He also served as an adjunct instructor on human resources management at Saint Joseph College from 2001 to 2004.

Practice Areas

Labor and Employment; Labor and Employment Counseling, Training and Litigation; Litigation; Business Disputes; Construction; Real Estate Litigation; Union Issues

Representative Experience

- Successfully completed an eight day trial involving claims of trade name dilution and unfair competition under the Lanham Act, Connecticut's Trademark Act and common law resulting in a favorable judgment for our client on August 17, 2011.
- Served as an expert witness in a disability discrimination lawsuit in which a national security company was sued for negligent hiring of an allegedly disabled employee who caused a motor vehicle accident.
- Completed two Freedom of Information Commission actions both resulting in favorable results for our client, a Connecticut municipality. The first involved the disclosure of Police Department records. The second involved the disclosure of a town employee's personnel, disciplinary and medical records.
- Currently litigating a FINRA arbitration matter in New York City involving one of the world's largest financial institutions and its former financial advisor.
- Recently settled a \$330,000 construction dispute between a Connecticut municipality and a general contractor.
- On May 19, 2011, argued before the Connecticut Supreme Court a case of first impression involving the Connecticut fair housing laws. The case involved the defense of the firm's clients, a housing authority and a property management company, in a discrimination action in which our clients successfully precluded the complainant from intervening in a Superior Court lawsuit. The Supreme Court must decide whether the complainant has a right to intervene when the statute is silent on that right.
- Recently won a motion to compel arbitration in which the superior court found that the State of Connecticut Sales Representative Commission Statute is preempted by the Federal Arbitration Act.
- In 2010, briefed, argued and received a decision from the Connecticut Supreme Court on a matter of first impression relating to the State of Connecticut Workers' Compensation Act. The legal issues involved whether a quasi-state agency is immune from an award of sanctions and legal fees levied against it by the workers' compensation commission due to the agency's delay in processing a workers' compensation claim.
- In 2010, successfully defended a workers' compensation claim in which the client received a formal hearing award that held that a truck driver was an independent contractor and not an employee under Connecticut law.

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- In June 2010, the Second Circuit Court of Appeals reversed a District Court decision and dismissed a claim against our clients, a municipality and its officers. The case involves significant issues involving a municipal police officer's right to free speech under the First Amendment. Attorney Hawks-Ladds briefed the case to the District Court and to the Court of Appeals.
- In June 2010, Attorney Hawks-Ladds' client, a Connecticut Probate Court judge, prevailed before the Appellate Court which affirmed a Superior Court trial court decision denying a writ of mandamus filed against the judge.
- On March 18, 2010, our client received a superior court judgment confirming an arbitration award in its favor and denying the union's Application to Vacate the Arbitration Award. The arbitration award arose out of a multi-day arbitration, litigated by Attorney Joshua A. Hawks-Ladds, in which the panel determined that a labor arbitration was not arbitrable due to the union's failure to follow the contractual grievance procedures. The matter is currently on appeal before the Connecticut Appellate Court.
- In October 2009, after a five day arbitration, won a labor arbitration before the Connecticut State Board of Mediation and Arbitration
- On June 2, 2009, argued successfully before the United States Court of Appeals for the Second Circuit in a federal civil rights lawsuit resulting in a denial of a motion on a matter on appeal
- In 2009, argued a case of first impression in front of the Connecticut Appellate court involving the Connecticut Fair Housing Act. Attorney Hawks-Ladds had successfully prevented a tenant from intervening in a Superior Court housing discrimination case against his clients; the Commission on Human Rights and Opportunities and the tenant appealed the denial of her right to intervene
- On June 12, 2009, after a three week trial, Attorney Hawks-Ladds received a Superior Court judgment for our client in a \$5,000,000 foreclosure and defense of fraud and civil rights action. The Court granted our client all requested relief and rejected all of the defendants' claims.
- In 2008, received a judgment in favor of a Connecticut Probate Court judge on a writ of mandamus action after a Superior Court trial
- Currently litigating a case of first impression on a First Amendment free speech issue before the Second Circuit Court of Appeals
- In 2007, successfully defended a State of Connecticut Authority in a federal court civil rights lawsuit, resulting in a dismissal of the claim
- In 2007, argued a case of first impression before the Connecticut Supreme Court involving Connecticut's Historic District Commission law



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- In 2007, after a vigorously contested arbitration, received an Arbitration Award in favor of a municipality, upholding the town's Police Commission's discipline of a police officer for publishing a libelous, anonymous letter that disrupted the town's police department
- In 2007, received a judgment in favor of a commercial landlord after a court trial
- In April 2007, successfully litigated the appointment of a receiver on behalf of a state authority in a \$5,000,000 foreclosure action
- Successfully litigated a Permanent Injunction lawsuit on behalf of an employer in which the court ordered equitable relief in the form of an extension of a nonsolicitation covenant during the period of the employee's breach
- Won a directed verdict, after a jury trial, defending a company from its former employee's claim of Workers' Compensation discrimination
- Cited as authority in Covenants Not to Compete: A State by State Survey, 2005 Supplement
- Successfully prosecuted an injunction lawsuit enjoining a client's former employee from competing for a two-year period
- Negotiated severance and compensation packages involving executives of some of the largest U.S. and international companies

Bar and Court Admissions

Connecticut

Commonwealth of Massachusetts

U.S. Court of Appeals for the Second Circuit

U.S. District Court, District of Connecticut

U.S. Supreme Court

Mashantucket Pequot Tribal Court

Education

Western New England University School of Law, J.D., *cum laude*, 1991

University of Connecticut, B.A., 1987

Publications

"ALERT: What Connecticut's New Paid Sick Leave Law Means for Employers," July 6, 2011

Continued

"ALERT: Communication with Counsel from Employer's Computer Can Mean Waiving Attorney-Client Privilege," February 15, 2011

"ALERT: Connecticut Court Rules that DOL Must Count Out-of-State Workers Under Connecticut's FMLA," June 7, 2010

"ALERT: COBRA Subsidy Extended to May 31, 2010," June 2, 2010

"What's Proper Pay for Household Companions?," *Connecticut Law Tribune*, April 26, 2010

"ALERT: COBRA Subsidy Extended," December 23, 2009

"ALERT: Certain Connecticut Employees are Now Entitled to Military Caregiver Leave under Connecticut's Family Medical Leave Act," June 2, 2009

"A Modest Proposal for Overhauling the Commission on Human Rights and Opportunities," May 15, 2009

"UPDATE: Employers Must Act Now to Comply With New COBRA Continuation Rules Applicable to Certain Terminated Employees," March 19, 2009

"UPDATE - Government Contractors' E-Verify Rule Delayed Until May 21. Stay Tuned!," February 5, 2009

Alerts and Newsletters

WORKPLACE NOTES: Fall 2011

Professional Affiliations

Connecticut Bar Association - mediator and arbitrator, Legal Fee Resolution Board; immediate past chair, Executive Committee, Labor and Employment Law Section; former chair, Common Law and Statutory Claims Committee; named to CBA's "Distinguished Volunteers Roster" for 2003

Hartford County Bar Association - founder and former chair, Labor and Employment Law Committee

Massachusetts Bar Association - Labor and Employment Law Section; Civil Litigation Section

Manchester Bar Association

Connecticut Bar Foundation - James W. Cooper Fellow

Federal Bar Council

Litigation Counsel of America - Fellow

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Community Involvement

Bolton Lakes Regional Water Pollution Control Authority - former alternate member

Community Health Charities of Connecticut - former member, board of directors

Justice of the Peace

March of Dimes Birth Defects Foundation, Connecticut Chapter Northern Division - board of directors

Society of Human Resources Professionals

Town of Bolton Board of Selectmen (2005-2008) - former member

Honors and Awards

Listed in *The Best Lawyers in America* in the area of litigation - labor and employment and labor law - management

Listed as a "Top Lawyer" in *Hartford Magazine* in the areas of employment/labor and litigation, April 2010

Selected to the *Connecticut Super Lawyers* list from 2006 to 2011/2012 in the area of employment and labor

Hartford Business Journal's 2003 "40 Under Forty" Award - recipient; recognized him as one of Greater Hartford's top "young leaders"

2002 Distinguished Advocate for the Arts Award from the State of Connecticut Commission on the Arts - recipient

AV rated attorney by Martindale-Hubbell

*For more about the standards for inclusion in Best Lawyers in America, please see www.bestlawyers.com/news/news.aspx?event_id=47.

*For more about the standards for inclusion in Connecticut Super Lawyers, please see www.superlawyers.com/connecticut/selection_details.html.