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[wfoster@eckertseamans.com](mailto:wfoster@eckertseamans.com)**PRACTICE AREAS:**[Labor & Employment](#)[Litigation](#)[Appellate](#)[Regulated Substances](#)[Artificial Intelligence, Robotics,  
and Autonomous Transportation  
Systems](#)**STATE ADMISSIONS:**

Massachusetts

**COURT ADMISSIONS:**U.S. Court of Appeals for the First  
CircuitSupreme Court of the United  
States**EDUCATION:**J.D., Columbia University School of  
Law, 1988B.A., cum laude, Dartmouth  
College, 1983

# Walter M. Foster

**MEMBER**

Walter Foster maintains an extensive practice in employment law, business litigation, municipal law, and pension law, providing counsel to both private and public sector employers on the legal and regulatory standards that govern the modern workplace. He has more than 30 years of trial and appellate experience, including business disputes, non-compete litigation, and employment-related disputes. Notably, Walter has handled numerous jury trials and public hearings involving claims of sexual harassment, disability, race, national origin, gender, age, sexual orientation, and religious discrimination before state and federal courts, Massachusetts Commission Against Discrimination, and Equal Employment Opportunity Commission. He has also appeared on several occasions before the Massachusetts Supreme Judicial Court, including a case concerning the constitutional right of a jury trial in discrimination law cases.

As part of his employment law practice, Walter conducts discrimination and workplace investigations, drafts workplace policies including data security breach policies, and provides advice concerning employment contracts, non-competition agreements, and wage and hour compliance issues. He handles class action wage and overtime disputes at both the state and federal level. In addition, he provides comprehensive consultation services and training sessions to assist business clients in designing policies that promote a professional work environment compliant with state and federal laws, as well as helping to reduce or prevent the incidence of disruptive employment-related claims. Together with Safety and Respect at Work, LLC, he co-hosts a yearly workplace investigation multiple-day training session valuable to human resource professionals and companies of every size and has completed the MCAD certified courses on investigations and training in the workplace. In addition, as part of a working team of lawyers at Eckert Seamans, Walter helps international businesses open and operate in the United States and abroad, and helps them navigate the complex regulatory and legal framework in today's international economy. Walter helps guide expanding businesses as they grow into foreign markets and shepherds them through the initial legal hurdles to enter the United States markets.

Prior to entering private practice, he was an Assistant Attorney General in Massachusetts, defending numerous state agencies and departments in administrative law appeals. Walter has served as the Chief of the Massachusetts Bay Transportation Authority's labor law unit. He has also served as a Special Assistant Attorney General. Walter has a working knowledge of the complex and organic state retirement statute Chapter 32 and drafted an opinion of the Attorney General

concerning the applicability of specific retirement provisions under the state's retirement statute to the judicial branch.

## REPRESENTATIVE MATTERS

- Class action wage and hour dispute involving claims of unpaid overtime.
- Handles intra-family shareholder disputes, involving breach of fiduciary duties and freeze out of shareholder.
- Successfully defended a complex race discrimination case before the Mass. Commission Against Discrimination involving a failure to promote claim.
- Defeated a constitutional challenge in Superior Court to an employee drug-testing policy involving random drug testing.
- Defended a complex business contract claim involving multi-national parties and Uniform Commercial Code violations.
- Won a defense verdict in Superior Court on a disparate impact race-based claim involving progressive discipline issues in a union environment.
- Successfully defended a wrongful termination claim under the Americans with Disabilities Act in Superior Court.
- Involved in a successful appeal to the U.S. Supreme Court concerning the modifications of court-entered consent decrees.

### *Appellate*


Handled or assisted on numerous appeals to the Massachusetts Appeals and Supreme Judicial Court and the First Circuit and U.S. Supreme Court, including:

- Talarico v. Public Partnerships LLC, 3rd. Cir., Docket No. 20-1413 (non-precedential decision December 7, 2020). (Class action Wage Dispute, joint employment theory)
- Smith v. DecisionOne Corporation, Mass. Appeal Court, Docket # 19-P-316 (Summary decision issues pursuant to M.A.C. Rule 23.0 July 31, 2020) (Claim for commissions pursuant to compensation plan)
- Hiram Clifton v. Massachusetts Bay Transportation Authority, 62 Mass. App. Ct. 164 (2004)
- Hiram Clifton v. Massachusetts Bay Transportation Authority, 445 Mass. 611 (2005)
- Stonehill College v. Massachusetts Commission Against Discrimination & another, 441 Mass. 549 (2004)
- Samuel A. Foresta v. Contributory Retirement Appeal Board & another, 453 Mass. 669 (2009)
- Inmates of Suffolk County Jail, et al. v. Dennis J. Kearney, 928 F.2d 33 (1991); Robert C. Rufo, Sheriff of Suffolk County, et al. v. Inmates of the Suffolk County Jail, et al., 502 U.S. 367 (1992)
- Local 589, Amalgamated Transit Union v. Massachusetts Bay Transportation Authority, 423 Mass. 1016 (1996)
- Michael J. Rotondi v. Contributory Retirement Board & another, 463 Mass. 644 (2012)
- Jan Witkowski v. Contributory Retirement Appeal Board and

Massport Authority Employees' Retirement Board, Docket No. 2015-P-1382 (pending Appeals Court case 2016)

- Anthony Downs v. Massachusetts Bay Transportation Authority, 13 F.Supp.2d 130 (1998)
- Melvin S. Cohen v. Massachusetts Teachers' Retirement Board, The City of Brockton, and the Town of Scituate, (not reported in F.Supp.) 1991 WL 66801 (1991)
- Commonwealth of Massachusetts v. Louis M. Sullivan, M.D., et al., 803 F.Supp. 475 (1992)
- John Gordon, et al. v. Sheriff of Suffolk County, 411 Mass. 238 (1991)
- Equal Employment Opportunity Commission v. Commonwealth of Massachusetts and the Barnstable County Retirement Association, 788 F.Supp. 106 (1992)
- William Daley v. MBTA, Docket # 98-13711998 First Circuit (Case was remanded to District Court by in-court decision 12/7/99)

## PROFESSIONAL AFFILIATIONS

- Adjunct Professor of Law at New England Law  Boston, employment law course
- Boston Bar Association
- Massachusetts Bar Association
- Massachusetts Association of Public Pension Attorneys

## COMMUNITY INVOLVEMENT

- Town of Acton, Massachusetts; Former Selectman and Chairman, Former Planning Board Member
- Community Preservation Committee, Chair and At-Large Member

## AWARDS AND RECOGNITION

- Selected for inclusion in *Massachusetts Super Lawyers*
- Selected for inclusion in the inaugural issue of *Boston* magazine's Top Lawyers, 2021

## NEWS AND INSIGHTS

### PUBLICATIONS

- ["Massachusetts Supreme Court Mandates Payment of All Wages Due on the Same Day of Involuntary Termination; If Not, Treble Damages Must be Paid,"](#) Eckert Seamans' Labor & Employment Update, April 2022.
- ["Firing Employees Remotely—Three Guiding Principles,"](#) Bloomberg Law, March 2022.
- ["Survival Guide to Avoid Shutdowns from the Covid-19 Delta Surge,"](#) Bloomberg Law, August 2021.

- [“Massachusetts Paid Family Medical Leave Law: Upcoming Deadlines and Helpful Links,”](#) Eckert Seamans’ Labor & Employment Update, May 2019.
- [“Labor & Employment Update: EEOC to Require Pay Data Reporting by September 30, 2019,”](#) Eckert Seamans’ Labor & Employment Update, May 2019.
- [“Emojis Run Amok? A Picture is Worth \\$100,000”](#), HR News Magazine, October 2018.
- [“5 emoji mistakes to avoid in the workplace,”](#) Ragan Communications, September 2018.
- [“Massachusetts Increases the Minimum Wage to \\$15/hour, Eliminates Premium Pay Requirement for Sundays and Holidays,”](#) *Eckert Seamans Labor & Employment Alert*, August 2018.
- [“Too Much Emoji? The Top 5 Mistakes to Avoid in the Workplace,”](#) HR Daily Advisor, June 1, 2018.
- [“Equal Pay Act,”](#) Eckert Seamans’ Labor & Employment Alert, May 2018.
- [“Amended Massachusetts Equal Pay Act Goes Into Effect July 1, 2018,”](#) Eckert Seamans’ Labor & Employment Alert, April 2018.
- [“Massachusetts Pregnant Workers Fairness Act Goes Into Effect April 1, 2018,”](#) Eckert Seamans’ Labor & Employment Alert, April 2018.
- [“Labor & Employment Alert: Massachusetts Court Restores \\$500,000 Punitive Damages Award Against Employer in Sexual Harassment Case – Failure to Properly Investigate Claims,”](#) Eckert Seamans’ Labor & Employment Alert, November 2016.
- [“Federal Court Applies New Earned Sick Time Law to Massachusetts Employees Governed by CBAs,”](#) *Eckert Seamans Labor & Employment Alert*, July 2015.
- [“New Domestic Violence Leave Law in Massachusetts,”](#) *Eckert Seamans Labor & Employment Alert*, March 2015.

## MEDIA COVERAGE

- [“What a Musk Takeover Could Mean For Twitter’s Work Culture,”](#) Law360 Employment Authority, May 4, 2022.
- [“3 Ways Microsoft May Tackle Game Maker’s ‘Frat’ Culture,”](#) Law360, January 28, 2022.
- [“Activision Blizzard lawsuit could be a watershed moment for the business world. Here’s why,”](#) The Black Chronicle, January 14, 2022.
- [“Coronavirus Didn’t Kill The Office Holiday Party. It’s Just Making It Smaller.”](#) Forbes, December 7, 2021.
- [“New York City will now require private workers to get vaccinated—and other cities could follow,”](#) CNBC, December 6, 2021.
- [“3 Takeaways From Activision Blizzard’s Harassment Scandal,”](#) Law360, October 22, 2021.
- [“Ex-Logan Airport manager’s fight for 9/11 disability benefits continues,”](#) Massachusetts Lawyers Weekly, October 7, 2021.
- [“Should your vaccination status be on your resume? Here’s what experts say,”](#) CNBC.com, October 7, 2021.

- [“Refusing care to the unvaccinated a potential legal and ethical pitfall,”](#) Part B News, September 20, 2021.
- [“A Cheat Sheet For Activision Blizzard’s Legal Woes,”](#) Law360, September 21, 2021.
- [“How Companies Are Reacting To Mandatory Vaccine Mandates” with Walter Foster of Eckert Seamans,](#) Radio Entrepreneurs, September 2021.
- [“Workers who resign over vaccine mandates may not be eligible for unemployment,”](#) McKnight’s Senior Living, September 2021.
- [“OSHA Covid-19 Standard Needs to Keep Pace With Medical Guidance,”](#) Bloomberg Law, August 2021.
- [“Why All Businesses Should Watch The Blizzard Discrimination Case,”](#) Radio Entrepreneurs podcast with Jeffrey Davis, August 2021.
- [“Employers are implementing stricter vaccine mandates. It’s good for business,”](#) Business Insider, August 2021.
- [“A top consulting firm told employees get vaxxed or don’t get paid. Every company considering mandates should follow its lead,”](#) Business Insider, August 2021.
- [“Vaccination Mandates: Legal Risks No Matter What?”](#) Agenda, August 2021.
- [“Activision Blizzard Lawsuits are a Major Moment for Gaming,”](#) Law.com, July 2021. Also appeared in [WRAL TechWire](#).
- [“Blizzard president J. Allen Brack resigns abruptly,”](#) Capital.com, July 2021.
- [“The Activision Blizzard lawsuit could be a watershed moment for the business world. Here’s why,”](#) CNN Business, July 2021. Also appeared on KAKE-TV Kansas City and various other media outlets.
- [“Mass. General Brigham requiring COVID-19 vaccine for all employees,”](#) WFXT Boston 25 News, June 2021.
- [“Returning to the office in the COVID-19 era,”](#) Boston25 News, April 2021.
- [“What Employers Need To Know About The New MA Paid Leave Laws,”](#) Radio Entrepreneurs podcast with Jeffrey Davis, December 2020.
- [“Workers See OT Claims Against Pa. State Contractor Tossed,”](#) Law360, January 2020.
- [“Lawmakers Help Ex-Logan Manager Revive 9/11 Disability Claim,”](#) State House News Service, September 2018.
- [“Improved Equal Pay Law Bans Employers From Asking About Wage History,”](#) WBUR Radio Boston (NPR), July 2018.
- [“As State Police overtime probe intensifies, troopers race to lock in pensions and retire,”](#) The Boston Globe, July 2018.
- [“SJC rules ex-teacher guilty in child porn case can keep pension,”](#) The Boston Herald, August 2014.

## SPEAKING ENGAGEMENTS

- [“Massachusetts Paid Family and Medical Leave Act,”](#) Eckert Seamans Zoom webinar, November 18, 2020. [Program recording and PFML Starter Kit and Resources.](#)

- [“Planning Your Return: how to navigate a safe and healthy re-opening – Session 2: Commercial & Industrial Workplaces,”](#) Zoom webinar co-presented with Mascon Medical, June 25, 2020.
- [“Planning Your Return: how to navigate a safe and healthy re-opening – Session 1: Education,”](#) Zoom webinar co-presented with Mascon Medical, June 18, 2020.
- [“The New Abnormal: Bringing Employees Back to Work and What to Consider,”](#) co-presented with Trevin Schmidt of Eckert Seamans and Lauren Brenner of Amplified Insurance Partners, Zoom webinar, May 21, 2020.
- [“Utilizing Emojis in Law to Your Advantage,”](#) Lorman CLE Webinar, October 31, 2019.
- [“Massachusetts Paid Family and Medical Leave Law \(PFML\) Webinar,”](#) Eckert Seamans Zoom webinar, June 25, 2019.
- “Dartmouth University’s Future of Work Symposium: Design Your Life” moderator of the Alumni panel, January 2019.
- [“What Can I Ask During the Interview? Do’s and Don’ts Under the Mass. Equal Pay Act,”](#) presented at Eckert Seamans’ Human Resources Forum, May 2, 2018.
- [BUSINESS FORUM: Practical HR Solutions,”](#) presented by the Middlesex Chamber of Commerce, May 31, 2017.
- “Employment Law Updates: Joint Employer, Non-Competes and the Rising Toll of Harassment Claims,” presented at the 2016 Annual Meeting of the Massachusetts Defense Lawyer Association, May 2016.
- “Is Your Company at Risk of Losing its Top Talent? What You Don’t Know About Non-Compete and Confidentiality Agreements May Surprise You,” presented by Expedient and Eckert Seamans, April 26, 2016, Burlington, Massachusetts.
- “HR Issues” presented at the *HR Issues Forum* sponsored by the Middlesex West Chamber of Commerce and Workers’ Credit Union, March 2016.
- “Conducting Workplace Investigations,” co-presented with Jean Haertl of Safety and Respect at Work, October 2015.
- “Affordable Care Act (ACA) Forum,” co-presenter with Rob Trautlein of Aetna, New England Council, October 2014.