

# SHEEHAN PHINNEY

## David W. McGrath

Shareholder | Manchester, NH

Dave represents firm clients in state and federal courts, arbitration and administrative proceedings. He routinely handles trade secret, non-competition, predatory hiring, discrimination, retaliation and whistleblower, wrongful termination, and healthcare related matters. Dave also frequently helps businesses and executives navigate employment separations.

Dave is the immediate past President and Managing Director of the firm. He also served as President of the New Hampshire Bar Association and as a member of the Professional Conduct Committee.

Dave is a certified mediator who serves in that role often for the state and federal courts, the New Hampshire Commission for Human Rights, and for private parties. He is one of a small group of New Hampshire mediators recognized as “First Tier” by Chambers USA. In Spring, 2023 Dave completed the Harvard Law School Program on Negotiation, Mediation and Conflict Management.



### Contact Information

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## Key Cases

- Successfully defended national insurance company in non-compete battle, leading to summary judgment.
- Successfully defended local municipality in a wrongful discharge lawsuit, leading to a jury verdict for the town.
- Successfully defended area hospital in an Americans with Disabilities lawsuit and preserved the win at the Court of Appeals for the First Circuit.
- Successfully defended an international corporate client in a wrongful discharge lawsuit, leading to summary judgment.
- Successfully defended national corporate client in defense of substantial wage claims.

## Practice Areas

- Business Litigation
- Labor & Employment
- Mediation & Arbitration

## Admissions

# SHEEHAN PHINNEY

- State of New Hampshire
- United States District Court
- District of New Hampshire
- First Circuit Court of Appeals

## Education

- J.D., Cornell University Law School
- B.A., Framingham State College

## Civic Involvement

- Warren B. Rudman Center for Justice, Leadership and Public Policy, Board of Advisors
- Strawberry Banke Museum, Board of Trustees,
- New Hampshire Bar Association, Immediate Past President
- New Hampshire Professional Conduct Committee
- Leadership New Hampshire, Class of 2013

## Awards

- Business NH Magazine as the best employment lawyer in the state, as recognized by his peers, 2015
- Chambers USA, Labor & Employment, Mediation
- Best Lawyers in America® 2023 Manchester Lawyer of the Year, Labor Law - Management
- Best Lawyers in America® 2019 Manchester Lawyer of the Year, Labor Law - Management
- Best Lawyers in America®, Mediation, Commercial Litigation, Employment Law - Management, Labor Law - Management
- New England Super Lawyer®, Employment Litigation: Defense
- Martindale Hubbell, Rated “AV”

## Publications

- Litigation and Mediation: Friends Not Foes (pg 25)
- Client Alert: A Closer Look at the FTC’s Proposed Ban on Non-competes
- Fixing your non-compete agreements before you’re in a fix
- NH Legal Perspective: New law prohibits noncompete agreements for low-wage employees

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- Assessing NH's New Noncompete Law
- Mediation Proceedings: Cloaked in Confidence?
- NH Legal Perspective: Are Employee Noncompete Agreements Worth the Paper they are Written On?
- Federal Rules of Civil Procedure: A Rule 68 Cautionary Tale
- Lessons from the Trenches: What Makes a Good Mediator?
- CEO on the Go: David McGrath
- NH Legal Perspective: Mediating business disputes
- Out of the Courtroom and Back to the Boardroom
- Fixing Your Non-Compete Agreements Before You're in a Fix: Ten Common Employer Mistakes That Threaten Your Non-Compete
- Noncompetes Can Protect Your Company's "Goodwill"