



# Buster Melvin

He | Him | His

*Partner*

*Syracuse*

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*emelvin@barclaydamon.com*

## Education

- Syracuse University College of Law, *Syracuse Law Review*, Executive Editor, JD
- College of the Holy Cross, AB

## Practices & Industries

- Higher Education
- Labor & Employment

## Admitted to Practice

- New York
- Connecticut

## Court Admissions

- US Court of Appeals for the Second Circuit
- US District Court for the District of Connecticut
- US District Court for the Eastern District of New York
- US District Court for the Northern District of New York
- US District Court for the Southern District of New York
- US District Court for the Western District of New York

## Biography

Buster serves as co-leader of Barclay Damon's Higher Education Team. He primarily concentrates his practice on labor and employment matters and has extensive experience representing clients in state and federal court at the trial and appellate levels. He also represents clients before the NYS Division of Human Rights, the Equal Opportunity Commission, the Public Employment Relations Board, the National Relations Labor Board, and in labor-arbitration hearings.

Buster routinely lectures and provides training sessions for clients on a wide array of labor and employment issues. He also serves as the chair of the Associates Committee.

## Bar Associations

- Federal Court Bar Association for the Northern District of New York
- New York State Bar Association
- Onondaga County Bar Association

## Selected Memberships & Affiliations

- National Association of College and University Attorneys

## Representative Experience

- Obtained summary judgment on behalf of a manufacturer in racial discrimination and retaliation action in federal court.
- Obtained injunctive relief on behalf of a large regional bank in noncompetition and nonsolicitation action against two former bank employees in state court, resulting in a favorable resolution.

- Successfully represented an international aluminum manufacturer in obtaining the dismissal of Section 10(j) action brought in federal court by Region Three of the National Labor Relations Board.
- Successfully represented one of the Northeast's largest trucking companies in obtaining the dismissal of Section 10(j) action brought in federal court by Region Three of the National Labor Relations Board.
- Obtained summary judgment on behalf of a medical-supplies corporation in False Claims Act action brought in state court.
- Obtained summary judgment on behalf of county and municipal defendants in Section 1983 action involving First Amendment and false-arrest claims in federal court, which was upheld on appeal at the Second Circuit Court of Appeals.
- Successfully defended a client in a preliminary-injunction hearing held in federal court involving nondisclosure and nonsolicitation issues in action brought by a national professional-recruiting company.
- Defended a large hospital in wage-and-hour meal-break class and collective action in federal court that resulted in class-wide resolution.
- Represented municipalities in binding-arbitration proceedings involving local police unions.
- Obtained dismissal of overtime wage and hour class action.
- Obtained dismissal of a whistleblower complain on behalf of a large regional credit union brought by a former chief financial officer.

## Prior Experience

- Hiscock & Barclay, LLP, Partner
- Costello, Cooney & Fearon, Partner

## Judicial Clerkships

- US District Court for the Northern District of New York, Judge Frederick Scullin Jr.

## Selected Community Activities

- L'Arche Syracuse, Board Member
- Vera House Foundation, Inc. and Vera House Foundation, Former Board Member and Trustee
- St. Lucy's Church, Former Parish Council President
- Catholic Lawyers Guild, Former President
- McMahon/Ryan Child Advocacy Site, Former Board Member

## Selected Honors

- *The Best Lawyers in America*®: Litigation – Labor and Employment, 2021–2024
- *Chambers USA*, Upstate New York: Labor & Employment, 2023
- Selected to *Super Lawyers* Upstate New York: Employment & Labor, 2008, 2010–2023
- Martindale-Hubbell AV Preeminent Peer Review Rated for Very High to Preeminent Ethical Standards and Legal Ability

## Selected Speaking Engagements

- AIG, “Northeast Zone: Syracuse Employment Practices Liability & Excess Casualty”
- Barclay Damon Higher Ed Seminar, “Fair Labor Standards Act, Higher Education, Employee Classification, and Pay Issues”
- Barclay Damon Higher Ed Seminar, “Putting the Pieces Together: What Every Employer Needs to Know About FMLA and the ADA”
- Energy Bar Association Northeast Chapter Annual Meeting, “COVID-19: Back to Work and Back to Normal?” Webinar
- St. Lawrence Valley Human Resources Management Association, “Wage-and-Hour Update”

## Selected Alerts & Blog Posts

- Colleges and Universities Targeted by Serial Plaintiff Leshawn Young in Recent Wave of Website Accessibility Lawsuits
- NYS Appellate Court Sustains College's Tenure Terminations
- Housing Discrimination: Pro Se Plaintiff Robert W. Johnson Targeting Hotels, Motels in Recent Flurry of Federal Lawsuits
- Higher Education and COVID-19: New York State Issues Phase Four Guidance
- COVID-19: Update - USDOL Issues New Guidance on Compliance With Families First Coronavirus Response Act