



Wade W. Herring, II
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PRACTICE AREAS

Arbitration & Mediation
Business Litigation
Employment
Government Relations
Health Care
Insurance Coverage & Defense
Litigation
Mergers & Acquisitions
Nonprofit Organizations
OSHA

INDUSTRIES

Banking & Finance
Education
Health Care
Hospitality & Retail
Manufacturing
Nonprofit & Government
Professional Services
Technology

LICENSED IN

Georgia

EDUCATION

University of Georgia School of Law: J.D.,
cum laude, Order of the Coif, Woodruff

EXPERIENCE

From Chambers USA: “Wade Herring advises a wide array of disputes, including wage and hour and harassment cases. ‘He is outstanding in every respect. He is knowledgeable, professional, and always responds and completes work in a timely manner,’ said a client.”

Wade Herring is a partner in the Savannah office. Representing businesses and management, Wade’s practice focuses on all aspects of employment problems and issues, including internal employment practices, wage/hour issues, drug testing, sexual harassment, equal employment opportunity, the Americans with Disabilities Act, and employee benefits.

Wade is admitted to practice in the Georgia Supreme Court, the Georgia Court of Appeals, the U.S. Supreme Court, the U.S. Courts of Appeals for the Eleventh Circuit, and the U.S. District Courts for the Southern, Middle, and Northern Districts of Georgia. He is a fellow of both the American Bar Association and the Lawyers Foundation of Georgia.

Wade is a frequent speaker on employment law topics, bringing a sense of humor and practical solutions to audiences of business and human resources managers.

Wade is involved in many charitable and civic organizations. He is a past president of the Savannah Bar Association, a past president of the Savannah East Rotary, and past chair of the board of trustees of Savannah Country Day School. He previously served on the Chatham-Savannah Citizen Advocacy board as chair of the Ways and Means Committee and remains involved on an as-needed basis with the organization. Wade served a three-year term on the Dartmouth Alumni Council and continues to serve as a Dartmouth Class of 1980 secretary. He is a past president of the University of Georgia Law School Alumni Association Council.

Wade received his B.A., magna cum laude, from Dartmouth College in 1980 and his J.D., cum laude, from the University of Georgia in 1983. At Dartmouth, he was Phi Beta Kappa. He was a Woodruff Scholar and a member of the Order of the Coif at Georgia. Following law school, Wade clerked for two years, from 1983 to 1985, for the Honorable Dudley H. Bowen, Jr., Judge, U.S. District Court, Southern District of Georgia.

REPRESENTATIVE ENGAGEMENTS

- Mitchell v. Savannah Airport Commission, No. 4:17-cv-00188, 2018 WL 6531725, (S.D.Ga. Dec. 11, 2018): The court granted summary judgment

Scholar, 1983

Dartmouth College: B.A., with high distinction, magna cum laude, Phi Beta Kappa, 1980\

AFFILIATIONS

American Bar Association: Section of Labor and Employment Law; Member, 1983-Present

American Bar Foundation: Fellow

State Bar of Georgia: Business Court Committee (Vice Chair), 2008-2019; Special Master; Disciplinary Investigative Panel, 2006-2009; Lawyers Foundation of Georgia, Fellow; Young Lawyers Section, 1991-1994 (Executive Council, Employers' Duties and Problems Committee); Labor & Employment Law Section; School & College Law Section; E-Discovery & the Use of Technology Section; Member, 1983-Present

Savannah Bar Association: Memorial Resolutions Chair, 2018-Present; Robbie Robinson Award, 2011; President, 2004-2005; President-Elect, 2003-2004; Executive Committee, 2000-2005; Member, 1985-Present

College of Labor and Employment Lawyers: Fellow, 2019-Present

University of Georgia School of Law Alumni Association Council: President, 2016-2017; President-Elect, 2015-2016; Treasurer, 2014-2015; Secretary, 2013-2014

Court Advisory Committee, Southern District of Georgia: Chair, 2010-2012; Participant or Member, 1997-2019

Georgia Appleseed, Inc.: Board Member, 2014-2019

Georgia Legal Services Program: State Board, 2011-2015

for the employer on all counts where the plaintiff, a current employee, claimed she was denied promotions because of her race and sex.

- *Wylie v. Denton*, 323 Ga. App. 161 (2013): Reversing the trial court, the Court of Appeals held, as a matter of law, that former bank tellers did not have claims against their former employer and supervisor for racketeering or fraud. Moreover, on remand, the ex-employees were to state their claim for defamation with greater specificity, providing specific facts about the content and context of the alleged statements.
- *Wagner v. Murphy Oil USA, Inc.*, 139 Fed. Appx. 131 (11th Cir. 2005): Jury verdict for the defendant in FLSA case affirming that the former store manager was properly classified for wage/hour purposes and therefore exempt from overtime.
- *Caley v. Gulfstream Aero. Corp.*, 333 F. Supp. 2d 1367 (N.D. Ga. 2004), *aff'd*, 428 F.3d 1359 (11th Cir. 2005), *cert. denied*, 547 U.S. 1128 (2006): The defendant company's handbook established an alternative dispute resolution process culminating in arbitration. The district court granted defendants' motion to compel arbitration and dismissed the cases without prejudice. The Eleventh Circuit affirmed, and the Supreme Court denied certiorari.
- *Keener v. Convergys Corp.*, 205 F. Supp. 2d 1374 (S.D. Ga. 2002), *question certified to Georgia Supreme Court*, 312 F.3d 1236 (11th Cir. 2002), *certified question answered*, 276 Ga. 808 (2003), *aff'd in part and rev'd in part*, 342 F.3d 1264 (11th Cir. 2003): The district court enjoined enforcement of the non-compete agreement that the defendant company had required its former employee, HunterMaclean's client, to sign during his time with the company. The Eleventh Circuit suggested that the Georgia Supreme Court should change Georgia law, but the Supreme Court declined.
- *Counts v. American General Life and Accident Ins. Co.*, 111 F.3d 105 (11th Cir. 1997): The Eleventh Circuit affirmed the district court's grant of summary judgment for the defendant in this ERISA case involving the denial of long-term disability benefits.
- *Brown v. Gulfstream Aerospace Corp.*, 85 Fair Empl. Prac. Cas. 1046 (S. D. Ga. 2001): Eleventh Circuit affirmed dismissal of the case after plaintiffs had voluntarily requested dismissal to revisit administrative remedies with the EEOC, but the EEOC declined to accept jurisdiction. When plaintiffs attempted to reopen the case, the district court agreed that the Title VII race claims were barred by limitations period.
- *Finn v. Great Dane Trailers, Inc.*, 67 Empl. Prac. Dec. ¶143, 772 (S.D. Ga. Oct. 6, 1995): Summary judgment for defendant in this age and reverse discrimination (white male) case.

Dartmouth Lawyers' Association:
Member, 1984-Present

Society for Human Resource
Management: National and Savannah
Chapter, Member, 1987-Present

COMMUNITY WORK

The Mediation Center of the Coastal
Empire: Board of Directors, 2024

Savannah Country Day School:
Governance Committee, 2011-2021;
Board of Visitors Chair, 2014-2021;
Diversity Committee Chair, 2007-2009;
Board of Trustees, 2003-2011 (Chair,
2009-2011; Vice Chair, 2007-2009;
Secretary, 2006-2007)

Leadership Southeast Georgia: Class of
2016; Board, 2019-2021

Armstrong Atlantic State University:
Campaign Advisory Committee, 2013-
2014

Rotary, Savannah East: President,
2006-2007; Member, 1998-2017 &
2021-Present

Hospice Savannah: Personnel Committee,
2003-2021

Chatham-Savannah Citizen Advocacy:
Personnel Committee, 2009-2021;
Nominating Committee, 2005-2009; Ways
& Means, Chair, 2000-2001; Board, 1998-
2001

Dartmouth College: Alumni Council,
2004-2007; Co-Editor, 25th Reunion
Book; Class of 1980 Secretary, 1985-
1990, 1995-2005, 2015-Present
(Secretary of the Year, 2004); Alumni
Interviewer, 1979-Present

Wesley Monumental United Methodist
Church: Administrative Board (Chair,
2021; Vice Chair, 2019-2020); Board
of Trustees, 1996-1998 (Secretary,

- EBM Group Corp. v. Gulfstream Aerospace Corp., 145 F.R.D. 8 (D.D.C. 1992): The district court granted defendant's motion to dismiss for lack of personal jurisdiction.
- Savage v. Jefferson-Pilot Life Ins. Co., 1991 U.S. Dist. LEXIS 16521 (S.D. Ga. Oct. 28, 1991): Court granted defendant's motion for summary judgment because the plaintiff had misrepresented her status as a smoker on her application for life insurance.
- Jones v. Westside-Urban Health Center, Inc., 771 F. Supp. 359 (S.D. Ga. 1991): After a jury verdict for the defendant in this Equal Pay Act and sex discrimination case, the district court denied the plaintiff's motion for a new trial.

ARTICLES

Tribute: Savannah attorney remembered for life well-lived

Tribute to Mitchell Dunn written by Wade Herring, published on September 14, 2020, in *Savannah Morning News*.

FFCRA Leave Documentation

Published on May 22, 2020, in *Savannah Morning News*.

My Thoughts on Good Leadership

Published on October 7, 2017, in *Savannah Morning News*.

Overtime Rules Up in the Air

Published on December 21, 2016, in *Business in Savannah*.

Employees and Independent Contractors: Important Decisions for Home and Business Workers

Published in 2015 in *Elegant Island Living*.

Preparing for Department of Labor Proposed Changes Affecting Overtime Pay

Published on November 18, 2015, in *Business in Savannah*.

Employee or independent contractor? The basics for business owners

Published on February 26, 2015, in *Savannah Morning News*.

Salary Secrecy and the Law

Published on May 21, 2014, in *Business in Savannah*.

Employer Responses to Unemployment Benefits Claims Take on Greater Importance

Published on January 13, 2014, in *Business in Savannah*.

1996-1997), 2013-2018 (Chair, 2016-2018); Lay Leader, 2006-2008; Staff-Parish Committee Chair, 1999-2001; Finance Committee Chair, 1997-1998; Stewardship Campaign Chair, 1994-1996

Savannah Drug Free Workplace Council: Chair, 1995

Frank Callen Boys & Girls Club Board: Human Resources Committee, Chair, 1994-1996

RECOGNITION

College of Labor and Employment Lawyers: Fellow

American Bar Foundation: Fellow

Chambers USA, America's Leading Lawyers for Business: Employment Law

Best Lawyers in America: Employment Law, Labor & Employment Litigation; 2008-2024

Georgia Super Lawyers: Employment Litigation, 2005-2024

Georgia Trend Magazine Legal Elite: 2009, 2011-2012, 2015-2017 & 2021

Martindale-Hubbell: AV Rated

Issuing Final Payments in the Workplace

Published on April 24, 2013, by SHRM in *HR Topics and Strategy*.

Separation Pay in Georgia

Published on April 3, 2013, in *Business in Savannah*.

Bullying in the Workplace Can be Labeled Harassment

Published on September 29, 2012, in *Business in Savannah*.

Obesity and the ADA: Coverage for a Large Group

Published on November 28, 2000, in *Employment Publication*.

Defining and Preventing Sexual Harassment

Published on January 9, 2000, in *Employment Publication*.

Water, Water Everywhere, Better Call the Corps: Section 404 Regulation of Wetlands

Published on April 4, 1990, in *Mercer Law Review* 41, no. 34, Rev. 843.

PRESENTATIONS

What Does Sex Mean? Bostock v. Clayton County, Georgia

Videotaped presentation at Senior Citizens, Inc., in Savannah, Georgia, on October 5, 2020.

Employment Law Issues During COVID-19

In this YouTube video that livestreamed on April 17, 2020, Wade Herring spoke with Marjorie Young, CEO of Carriage Trade Publications, about the employment law issues surrounding the COVID-19 pandemic and what small business owners can do to survive.

Workforce Development Impact of COVID-19

Wade Herring and Sarah Lamar discussed how the COVID-19 pandemic has impacted the workforce in this virtual session on April 2, 2020, by the Leadership Southeast Georgia program.

SHRM COVID-19 Update

Sarah Lamar and Wade Herring discussed the legal impacts of COVID-19 for employers in this webinar for the Society for Human Resource Management (SHRM) on Thursday, March 19, 2020.

Reparations Pro and Con

Presented for The Learning Center in Savannah, Georgia, on January 16, 2020.

Discrimination and Harassment

NBI Presentation on Employment Law by Wade Herring in Savannah, Georgia, on September 25, 2018.

ADA, FMLA and Workers' Compensation Seminar

Presented for Georgia Southern University at Coastal Georgia Center in Savannah, Georgia, April 23, 2018.

Managing the Trifecta Loopholes: ADA, FMLA and Workers' Compensation

Presented at the Destination Workplace Health Conference in Savannah, Georgia, on February 22, 2018.

An Opportunity for Service

Presented at the City Manager's Leadership Meeting in Savannah, Georgia, on November 17, 2017.

Doing Business with the EEOC

Presented at the 2017 SHRM Georgia State Conference, HR Impact: Navigating Waves of Change, in Jekyll Island, Georgia, on October 10, 2017.

Utilizing Alternative Dispute Resolution Tactics in Employment Matters

Presented at Employment Law: 2017 Comprehensive Guide, a seminar by the National Business Institute in Savannah, Georgia, on August 2, 2017.

Dealing with the Troubled/Troubling Employee

Presented at Employment Law: 2017 Comprehensive Guide, a seminar by the National Business Institute in Savannah, Georgia, on August 2, 2017.

Employment Law in a Trump Administration

Presented to the Liberty County Employer Committee in Hinesville, Georgia, on April 26, 2017.

Human Resources and Employment Law in a Trump Administration

Presented at the American Fidelity Assurance Company's Defense Counsel Summit on April 14, 2017.

DOL Overtime Exemptions: The Good, the Bad, and the Ugly

Presented to the Brunswick-Golden Isles Chamber of Commerce in Brunswick, Georgia, on September 13, 2016.

Legal Awareness in the Workplace: Best Practices in the Hiring Process, Including Background Checks

Presented as part of Georgia Southern University's series on Legal Awareness in the Workplace in Brunswick, Georgia, on December 1, 2015.

Employment Law for Businesses of Any Size

Presented at the Brunswick-Golden Isles Chamber of Commerce Lunch and Learn on October 6, 2015.

Legal Awareness in the Workplace: ADA Accommodations and Your Firm

Presented as part of Georgia Southern University's series on Legal Awareness in the Workplace in Brunswick, Georgia, on September 22, 2015.

United States Department of Labor Wage/Hour Audits

Presented at the American Fidelity Defense Counsel Summit in Oklahoma City, Oklahoma, on April 14, 2015.

Discrimination and Harassment: Defining and Preventing

Wade Herring presented to the 2015 conference of HPIP (High Performance Insulation Professionals) on identifying, defining, and preventing discrimination and harassment in the workplace. The presentation was held on April 9, 2015, at the Omni Hotel on Hilton Head Island.

Legal Awareness in the Workplace: Developing an In-Depth Understanding of the FMLA

Presented in Brunswick, Georgia, on March 10, 2015, as part of Georgia Southern University's series on Legal Awareness in the Workplace.

Putting in Place Document Retention Programs

Presented at Employment LAW: 2014 Comprehensive Guide, a seminar by the National Business Institute, in Savannah, Georgia, on December 10, 2014.

Dealing With the Troubled/Troubling Employee

Presented at Employment LAW: 2014 Comprehensive Guide, a seminar by the National Business Institute, in Savannah, Georgia, on December 10, 2014.

Answers Over Easy: Employment Law for Businesses of Any Size

Presented at HunterMaclean's main office in Savannah, Georgia, on November 12, 2014.

Employment Law: Beyond the Basics

A Sterling Education seminar presented by Wade Herring, Shawn Kachmar, Sarah Lamar, and Rebecca Sczepanski on June 3, 2014, in Savannah, Georgia.

Paying Your Employees

Presented at the Employment Law Update in Georgia seminar in Savannah, Georgia, on October 23, 2012.

Documentation, Discipline and Discharge

Presented at the Employment Law Update in Georgia seminar in Savannah, Georgia, on October 23, 2012.

Miscellaneous Employment Issues

Presented at the Employment Law Update in Georgia seminar in Savannah, Georgia, on October 23, 2012.

The Life and Legacy of Malcolm Maclean

Presented at the Georgia Legal History Foundation CLE event Oglethorpe's Nightmare: Lawyers in Savannah, on May 25, 2012, and a videotaped presentation as part of the City of Savannah's "Hungry for History?" series in 2016.