



## L. Diane Tindall

### Attorney

#### Bio

Diane's practice focuses on labor and employment law. She provides clients with representation, counseling and training on all state and federal employment laws, including Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Fair Labor Standards Act, the Family and Medical Leave Act, and state wage and hour laws, as well as covenants not to compete, trade secrets, wage payment and collection, employment terminations and severance, policies and handbooks and other issues related to employment.

Diane is admitted to practice before all federal and state courts in North Carolina, the Fourth Circuit Court of Appeals and the U.S. Supreme Court, and regularly defends management clients in proceedings before the state and federal Departments of Labor and the Equal Employment Opportunity Commission.

Before her law career, Diane was an English professor at North Carolina State University. After law school, she clerked for former Justice Francis I. Parker on the Supreme Court of N.C. and with Justice, now retired, Sarah Parker on the N.C. Court of Appeals.

Diane received her B.A. from the College of William and Mary, her M.A. from West Virginia University, and her J.D., *cum laude*, from the University of North Carolina at Chapel Hill.

#### Contact

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#### Practice Areas

- Labor & Employment

#### Awards & Recognition

- Named one of Top 50 Women *Super Lawyers* in North Carolina (2007, 2014-2016)
- Listed among *North Carolina Super Lawyers* for Labor & Employment (2006-2021)
- Listed among *Business North Carolina Magazine* Legal Elite: Employment Law (2005, 2007, 2009, 2010, 2013-2018)
- Listed among *The Best Lawyers in America* Employment Law–Management, Litigation–Labor & Employment (2013-2021), Employment Law – Individuals (2021)

#### Professional & Community Activities

- North Carolina Bar Association, Women in the Profession Committee (Chair, 2009-2011); Joint Task Force on Diversity (2009-2010)
- American Bar Association, Labor & Employment Law Section

- North Carolina Bar Association, Labor and Employment Law Section
  - North Carolina State Bar
  - Certified Mediator, North Carolina Civil Superior Court
  - Society for Human Resource Management (“SHRM”)
  - Triangle Society for Human Resource Management (“TSHRM”)
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## Reported Cases

- *Icardi v. Celeris Corp.*, 2002 N.C. App. LEXIS 1506 (N.C.App. 2002), *cert. denied*, 2003 N.C. LEXIS 342 (N.C. 2003)
  - *Purdham v. Strategic Techs., Inc.*, 2002 U.S. App. Lexis 9194 (4th Cir. 2002)
  - *Warren v. Variety Wholesalers, Inc.*, 70 F.3d 1264 (4th Cir. 1995)
  - *Werner v. Alexander*, 130 N.C.App. 435, 502 S.E.2d 897 (1998)
  - *Pittman v. Barker*, 117 N.C.App. 580, 452 S.E.2d 326 (1995)
  - *Myokinetex, Inc. v. MXI Group, Inc.*, 329 N.C. 498, 407 S.E.2d 537 (1991)
  - *Jamin v. Williamson*, 94 N.C.App. 699, 381 S.E.2d 345 (1989)
  - *Cochran v. Cochran*, 93 N.C.App. 574, 378 S.E.2d 580 (1989)
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## Speeches & Publications

- “Avoid Expensive Overtime Claims: Properly Classify Mortgage and Loan Employees,” Carolina Banker Magazine, Spring 2016
  - "Fair Labor Standards Act in North Carolina: Calculation and Payment of Minimum Wage and Overtime Pay" and "Work Time or Hours Worked," Lorman Education Services, Moderator and Presenter, March 2013
  - "Health Care Reform in a Nutshell: A Quick Guide for Employers and Employees," Labor and Employment Section Newsletter, North Carolina Bar Association, June 2010
  - "No Good Deed Goes Unpunished: How a \$300 Bonus Decision Ended Up in the Fourth Circuit," Labor and Employment Section Newsletter, North Carolina Bar Association, December 2008
  - "Workplace Recordkeeping: The Ins and Outs of Document Creation and Control," Capital Associated Industries, August 2008
  - "The Ins and Outs of Employment Contracts," Women's Edge Magazine, August 2007
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