



Arnold W. Umbach III (Trip)

PARTNER

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ABOUT TRIP

Trip Umbach chairs the firm's labor and employment law practice group. For 30 years, Trip has represented both public and private employers in all types of labor and employment disputes, from defending discrimination claims to handling traditional union labor relations matters. He regularly advises clients concerning non-competition agreements and litigates cases both to challenge and enforce them. A significant aspect of his practice is helping clients make employment decisions and develop policies that reduce the risk of being sued by employees or becoming unionized.

Legal Assistant

Michelle Mathews
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Areas of Practice

- Arbitration
- Contract / Non-Compete
- ADA Accessibility
- Complex Litigation
- Counseling and Training
- Employment Discrimination
- Governmental
- Labor & Employment
- Labor Law
- Wage and Hour

EDUCATION

J.D., University of Alabama School of Law (1992)
B.A., University of Virginia (1988)

COURTS

Supreme Court of Alabama (1992)
United States Supreme Court (2002)
United States Court of Appeals: 11th Circuit (1993)
United States District Courts: Northern District of Alabama (1993), Middle District of Alabama (1993), Southern District of Alabama (2000)
Northern District of Florida (2004)

BAR ADMISSIONS

Alabama

ACCOLADES



PROFESSIONAL RECOGNITION

Fellow in the College of Labor and Employment Lawyers

Ranked in the field of Labor and Employment by Chambers USA

Listed in The Best Lawyers in America®

A "Litigation Star" for the state of Alabama in Benchmark Litigation

Named to Who's Who Legal Labour, Employment & Benefits 2015; 2016; 2018; 2019; 2020; 2021; 2022

Trip graduated first in his class from the University of Alabama School of Law and was an editor on the Alabama Law Review

Following law school, Trip clerked for the Honorable Patrick E. Higginbotham on the United States Court of Appeals for the Fifth Circuit

EXPERIENCE HIGHLIGHTS

Defeated certification of an FLSA collective action brought by employees of an assisted living facility who claimed they worked through lunch without being paid.

Secured a favorable ruling from the Alabama Supreme Court affirming a Rule 12 dismissal for our client on Tort of Outrage and Wrongful Discharge in Violation of Public Policy claims.

Obtained summary judgment for one of the largest wood products manufacturers in a case alleging violations of the Americans with Disabilities Act and the Employee Retirement Income Security Act.

Won a jury verdict for a trucking company against a former truck driver's claim that the company fired him because of his race and in retaliation for his complaints about his co-workers' racial slurs.

Obtained numerous summary judgments for employers on claims of discrimination, retaliation, and state tort law.

Enforced an employer's non-compete agreement with a former employee by obtaining a jury verdict awarding the employer lost profits and rejecting the employee's claim of interference with his new employment.

Defended an employer and its employee against non-compete claims.

Advised clients on strategies to respond to union activity.

Represented employers in union elections.

Negotiated collective bargaining agreements.

Member of the trial team representing a national retail store chain in the two-week trial of a nationwide collective action under the Fair Labor Standards Act challenging the exempt status of store managers. This case is one of the few of its type in the country to have been tried to a jury.

Investigated complaints of sexual harassment and workplace violence.

Counseled clients through hundreds of job termination decisions.

Developed an equal employment opportunity training program to be viewed by supervisors and employees on the company's intranet.

Defended a real estate management company and a city against claims brought under the Americans With Disabilities Act alleging that facilities are not accessible to wheelchair-bound citizens.

Defended companies and individuals against citations issued by the Mine Safety and Health Administration.

Defended employers against unfair labor practice charges alleging violations of the National Labor Relations Act.

Counseled a client through a threat of violence from a terminated employee.

Served as both a mediator and an arbitrator.

PRESENTATIONS AND PUBLICATIONS

Considering the Results Obtained In Awarding Attorney's Fees-When are successful Fee-Shifting Claims Related to Unsuccessful Or Non-Fee Shifting Claim, CLE Alabama - Employment Law Update, Birmingham, AL, December 2, 2022.

The Gig Economy and Determining Whether a Worker Should be Classified as an Employee or Independent Contractor, Birmingham, AL, December 17, 2021.

Risk Management - Resident Care & Employment Issues, Crowne Health Care Leadership Conference, Orange Beach, AL, October 18, 2018.

How Does the #MeToo Movement Affect Long Term Care Employers, Alabama Nursing Home Association Annual Meeting, Birmingham, AL, June 25, 2018.

What Do You Want to Know About Social Media?, Alabama City County Management Association, Birmingham, AL, January 26, 2017.

The Ins and Outs of the New Overtime Rules and How to Prepare for the New Law, Sponsored Seminar, Birmingham, AL, June 16, 2016.

COMMUNITY INVOLVEMENT

- Trip is Past Chairman of the Board of Directors for the Boys and Girls Clubs of Central Alabama.
- Trip has served as Vice President of Legal and Legislative Affairs for the Birmingham Society for Human Resource Management.
- He has been involved in Boy Scouts at the Council and Troop levels.

FUN FACTS

- Trip loves to quail hunt with his two Llewellyn Setters, Rex and Shirley Mae.
- Hall of Famer Frank Thomas beat Trip by one home run in a home run derby when Trip was playing baseball for the University of Virginia.
- Trip qualified for and swam in the U.S. Masters Swimming Nationals in 2022.
- Trip's birth certificate lists his father's employment as the Atlanta Braves. His dad Arnold was a pitcher and one of his teammates was Hank Aaron.

DISCLAIMER: The following language is required by the Alabama Rules of Professional Conduct: No representation is made that the quality of legal services to be performed is greater than the quality of legal services performed by other lawyers.