



## Forrest H. Roles

Of Counsel  
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For more than 40 years, Forrest has represented employers in labor and employment matters in West Virginia and 28 other states. While he is experienced in employment law, he particularly enjoys helping employers deal with unions, including avoiding union disputes, settling those which can be settled and prevailing in those where settlement cannot be achieved.

In that long practice, he has litigated many significant cases, including *Carbon Fuel Co. v. UMWA*, 444 U.S. 212 (1979), which decided the standard by which an international union is responsible for conduct of its subordinate locals; *UMWA (Bronzite Mining Co.)*, 280 NLRB 587 (1986), in which it was decided if unions picketing for work performed by union-free employees can be a jurisdictional dispute; *Rum Creek Coal Sales v. Caperton*, 971 F.2d 1148 (4th Cir. 1992), which dealt with holding state police policies of tolerating union strike violence unconstitutional; and *Muffley v. Spartan Mining Co.*, 570 F.3d 434 (4th Cir. 2009), which established a new standard for granting 10(j) injunctions.

Forrest has been active in damage actions by employers against unions because of illegally called or conducted strikes. He has tried two cases to million dollar verdicts. He has also been active representing employers in seeking injunctive and National Labor Relations Board relief from union misconduct.

In recent years, he has concentrated his practice in helping clients deal with labor organizations. In doing so, he looks for the fastest, most efficient solution to the problem at hand using the lessons taught by his experience dealing with labor organizations and the authorities adjudicating labor disputes. His goal is that the resolution takes into account the long-term interests of the client and leaves the client able to manage a prosperous future.

### Services

- Labor
- Employment
- Collective Bargaining Negotiations
- NLRB Issues

- Strike Preparation/Litigation
- Employment Discrimination Litigation
- Wage/Hour Law
- Wrongful Discharge
- Audits, Counseling & Training
- Natural Resources Industry

## **Education**

- West Virginia University College of Law (LL.B., 1967)
- Davidson College (B.A., 1964)

## **Bar Admissions**

- West Virginia

## **Court Admissions**

- U.S. Supreme Court
- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Sixth Circuit
- U.S. Court of Appeals for the Tenth Circuit
- U.S. Court of Appeals for the District of Columbia Circuit

## **Affiliations/Memberships**

- West Virginia Bar Association, Labor Division, first chair
- Kanawha County Public Defender Corp, Board of Directors
- Concord University Foundation

## **Distinctions**

- *Best Lawyers*® (1989 - present)
  - "Lawyer of the Year" in Charleston for Mining Law (2014)
  - "Lawyer of the Year" in Charleston for Labor Law-Management (2012)
  - Labor and Employment Law - Management, Litigation - Labor and Employment, Mining and Natural Resources Law (2021-2024)
- Peer Review Rated AV in *Martindale-Hubbell*
- *Chambers USA*®: *America's Leading Lawyers for Business*, Labor & Employment
- West Virginia *Super Lawyers*®

- Employment & Labor (2021)
- ALM's Top Rated Lawyers in Labor and Employment Edition

## Experience

### **Rum Creek Coal Sales, Inc. v. Caperton, 926 F.2d 353 (4th Cir. 1991)**

Assisted lead counsel in case against Governor where Fourth Circuit held state trespass statute unconstitutional and preempted. Also assisted in successful claim for attorney fees of \$850,000.

### **District 29, UMWA v. Royal Coal Company, 786 F.2d 588 (4Cir. 1985)**

Case involved company's obligation to provide health benefits to retired and disabled miners after expiration of 1981 Wage Agreement when it ceased all active mining and did not execute 1984 Wage Agreement.

### **Carbon Fuel Co. v. UMWA, 444 U.S. 212 (1979)**

Breach of collective bargaining agreement

### **Hobet Mining v. International UMWA, 877 F.Supp. 1011 (1994)**

Setting aside arbitration award and disqualifying arbitrator

### **Holland v. Kitchikan Fuel Corp., 137 F.Supp.2d, 681 (SDWV 2001)**

Pension plan liability case

### **Hypes v. Cyprus Kanawha Corporation, 40 F.3d 1244 (4th Cir. 1994)**

Vacation of arbitration award

### **In Re: Daltex Corporation v. Paybra Mining Company, 21 F.3d 421 (4th Cir. 1993)**

Pension plan case

### **Muffley v. Spartan Mining Company, 570 F.3d 534, U.S. App. LEXIS 14305; 186 L.R.R.M. 2903; 158 Lab. Cas. (CCH) P10,011 (4th Cir. 2009)**

NLRB lawfully delegated power to seek 29 U.S.C.S. § 160(j) injunctions to its General Counsel and usual four-factor equitable test applied to determine if grant of § 106 (j) injunctive relief was just and proper. District court did not abuse its discretion in awarding limited injunctive relief to NLRB, nor in denying NLRB further injunctive relief.

### **New Beckley Mining Corp. v. UMWA, 946 F.2d 1072 (1991)**

RICO case

### **UMWA 1974 Pension Plan, et al. v. Pittston Coal Company, et al., 984 F.2d 469 (D.C. Cir. 1993)**

ERISA case

### **UMWA v. BethEnergy, 992 F.2d 569 (6th Cir. 1993)**

Breach of contract action

### **UMWA v. RAG American Coal Company, et al., 392 F.3d 1233 (10th Cir. 2004)**

ERISA case