



Mary Elizabeth "Betsy" Davis

PARTNER; CO-CHAIR OF LABOR & EMPLOYMENT SECTION

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RICHMOND

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BIOGRAPHY

Ms. Davis is a partner in the Labor and Employment Group. She serves Whiteford on its Executive Committee, as its Co-General Counsel and as Co-Chair of the Labor and Employment Group. She focuses her practice on advising management in all areas of labor and employment law. She works across industries ranging from health care and higher education to manufacturing and golf to understand the particular needs of her clients in these industries. She regularly represents employers in state and federal courts in the areas of discrimination, fair labor standards, family and medical leave, wrongful discharge, covenants not to compete, breaches of employment contracts, as well as other state and federal employment issues. She counsels and represents clients in defense of EEOC charges and DOL investigations.

Ms. Davis uses her litigation experience to counsel clients with a goal of eliminating risk and placing the client in the best position should litigation arise. She provides advice and management training to raise awareness and ensure compliance with employment laws. She routinely reviews and develops employee policies, handbooks, offer letters, employment contracts, separation agreements, and other related documents. She is

PRACTICES & INDUSTRIES

[Labor & Employment](#)

[Labor and Employment
Litigation](#)

[Non-Competition Litigation and
Counsel](#)

[Wage and Hour / Wage Payment
Law](#)

[Employment Tort Claims and
Related Litigation](#)

[EEO/Discrimination Claim
Representation](#)

[Employment Claim Prevention
Strategies](#)

[Human Resource Management
Advice](#)

[Executive Compensation](#)

[Unemployment Law](#)

[Education](#)

[Higher Education](#)

[Golf](#)

[Student Housing](#)

frequently contacted by clients to assist in handling difficult termination and hiring issues, as well as sensitive matters involving restrictive covenants and trade secrets.

RECOGNITIONS

- *Chambers USA*, Labor & Employment, Virginia (2021-present)
- *Benchmark Litigation*, Virginia (2019-Present)
- *The Best Lawyers in America*® Commercial Litigation, Employment Law - Management, Litigation - Labor and Employment, Labor Law - Management, (2020-2027), Education Law (2026, 2027)
- *Virginia Lawyers Weekly*, Legal 250 Honoree, Employment Law 2026
- *Virginia Lawyers Weekly*, Labor and Employment "Leader in Law" (2024)
- *Virginia Business Magazine*, Labor and Employment "Legal Elite" (2019-2025)
- *Virginia Super Lawyers*®, Employment & Labor: Employer, "Rising Star" (2007, 2009-2012)
- AV Preeminent® : Martindale-Hubbell® Peer Review Ratings™

MEMBERSHIPS & ACTIVITIES

- Virginia Bar Association: Labor and Employment Law Council Chair, Member; Past Vice Chair, Secretary, Legislative Chair and Communications Chair
- Virginia State Bar Association: Harry L. Carrico Professionalism Course, Past Faculty Member, Past No Bills Night, Richmond, Past Regional Chair
- Richmond Bar Association: Administration of Justice Committee, Past Chair; Membership Committee, Past Chair, Finance Committee
- Greater Richmond Bar Foundation: Past Board Member
- Lewis F. Powell, Jr. American Inn of Court: Member, 2009 - Present; President, 2011 - 2013; Immediate Past President, 2013 - 2015; Past Executive Committee Member, Treasurer, Social Chair and Mentorship Program Chair

EDUCATION

University of Richmond School of Law, 1997, J.D., cum laude
University of Virginia, 1994, B.A.

ADMISSIONS

Virginia
U.S. Court of Appeals: Fourth Circuit
U.S. District Court: Eastern District of Virginia
U.S. District Court: Western District of Virginia

- Make-A-Wish Greater Richmond: Past Board Chair and Board Member

Employment Litigation

- Represented employers in a broad section of industries on claims of discrimination, harassment, and retaliation; wage and hour; family and medical leave; wrongful discharge; noncompetition, nonsolicitation, and confidentiality covenants; trade secrets; business torts; and breaches of employment contracts in state and federal courts.
- Represented clients in investigation and defense of EEOC, DOL, and NLRB charges and VEC claims.
- Drafted and litigated non-compete, non-solicitation, and confidentiality covenants to injunction.
- Defended business litigation claim filed by joint venturer in federal court to agreed dismissal without defense payment.
- Defended local and multistate employers in DOL audits.
- Represented national employer in discrimination claim to defense verdict in federal court.
- Mediated EEOC charges against employers in a wide range of industries to successful resolution without litigation.
- Represented senior executive in successful grievance litigation before the Circuit Court, the Virginia Court of Appeals, and the Virginia Supreme Court; obtained contempt order.
- Proved and enforced employment contract against locality.
- Litigated fiduciary duty claim against executive who created competing company to successful resolution.
- Mediated multi-defendant non-compete litigation to successful resolution through federal court mediation program.

Employment Counseling

- Trained and advised employers regarding federal and state employment law compliance, including the FLSA, FMLA, ADA, ADAAA, ADEA, Title VII, COBRA, FCRA, and the WARN Act.
- Developed and reviewed employee policies, handbooks, offer letters, employment contracts, separation agreements, and other related documents for Virginia and multistate employers.

- Assisted clients in handling difficult termination and hiring issues, as well as sensitive matters involving restrictive covenants and trade secrets.
- Counseled management in various industries in planning and implementing work force reductions.

Reported Cases

- *Ofoche v. Apogee Medical Group, Virginia, P.C.*, 2019 WL 254674 (W.D. Va. 2019)
- *Ofoche v. Apogee Medical Group, Virginia, P.C.*, 2018 WL 4512076 (W.D. Va. 2018)
- *Jenkins v. Mid Atlantic Detailing*, 689 Fed. Appx. 191, 2017 WL 1969484 (4th Cir. 2017)
- *Nidelka Adams v. McDaniel Services*, 2016 U.S. Dist. LEXIS 29803 (E.D. Va, March 8, 2016)
- *L. Foster Consulting, LLC v. XL Group, Inc.*, 2012 U.S. Dist. LEXIS 93976 (E.D. Va. July 6, 2012)
- *L. Foster Consulting, LLC v. XL Group, Inc.*, 2012 U.S. Dist. LEXIS 93979 (E.D. Va. June 1, 2012)
- *Keck v. Virginia*, 470 Fed. Appx. 127, 2012 U.S. App. LEXIS 6644 (4th Cir. Va. 2012)
- *Keck v. Commonwealth*, 2011 U.S. Dist. LEXIS 74635 (E.D. Va. July 12, 2011)
- *Va. Dept. of Corrections v. Estep*, 2011 Va. LEXIS 82 (Supreme Court of Virginia 2011)
- *Va. Dep't of Corr. v. Estep*, 2010 Va. LEXIS 125 (Supreme Court of Virginia 2010)
- *Va. Dep't of Corr. v. Estep*, 55 Va. App. 386 (Court of Appeals of Virginia 2009)
- *Alta. Telcomms. Research Ctr. v. Rambus Inc.*, 2006 U.S. Dist. LEXIS 26313 (E.D. Va 2006)
- *Mid-Atlantic Bus. Communs., Inc. v. Va. DMV*, 269 Va. 51 (Supreme Court of Virginia 2005)
- *Contreras v. Thor Norfolk Hotel, L.L.C.*, 292 F. Supp. 2d 798 (E.D. Va. 2003)

- *Ross v. Pendell*, 46 Fed.Appx. 155, 2002 WL 2023207 (4th Cir.(Va.) 2002)
- *Taylor v. Frazer*, et al., 42 Fed.Appx 651, 2002 WL 1893174 (4th Cir. (Va.) 2002)
- *Coleman v. Ward*, 208 F.3d 208, 2000 WL 245290 (4th Cir. (Va.) 2000)
- *Buckley v. Womack*, et al., 203 F.3d 819, 2000 WL 139909 (4th Cir. (Va.) 2000)

INSIGHTS

Presentations and Publications

November 2026, authored "[No severance, no noncompete: VA's new termination without cause rule](#)," HRLaws

June 2025, presenting "Navigating Legal Pitfalls and Risks," Virginia Society of Association Executives

February 2025, presenting "HR Roundtable," Virginia, Delaware & Maryland Association of Electric Cooperatives

October 2023, presenting "The Art of Self-Promotion," University of Richmond School of Law

February 2023, presenting "HR Roundtable," Virginia, Delaware & Maryland Association of Electric Cooperatives

February 2022, presenting "HR Roundtable," Virginia, Delaware & Maryland Association of Electric Cooperatives

December 2021, presenting "Updates on Virginia Employment Law," LeadingAge Virginia

November 2021, co-presenting "Open[ish] For Business – Navigating Challenges Facing Richmond Businesses, Including Law Firms and the Clients They Serve, in the Evolving Pandemic," Richmond Bar Association

October 2020, co-presenting "Cocktail Party Law: A Basic Primer on Employment, Traffic, Community Association Law and COVID-related Business Law Matter," webinar, Richmond Bar Association

September 2020, presenting "COVID-19 – Leave Issues Under the FFCRA, FMLA, and ADA – The Law," webinar, Virginia Bar Association

50th Anniversary Annual Conference on Labor and Employment Law

July 2020, co-presenting "What Claims Will Communities Likely See? What Will be the Possible Increased Obligations as Communities Begin To Reopen?," webinar, LeadingAge Virginia

May 2020, co-presenting "[Impact on Employers as Virginia Returns to Work](#)," webinar, SIMA Client Meeting

May 2020, co-presenting "Play Through: COVID-Related Challenges for the Golf Industry," webinar, Virginia State Golf Association

April 2020, presenting "COVID-19 and Key Legal Issues for Employers" to LeadingAge Virginia and Maryland.

February 2020, presenting "HR 2020: Top Tips to Bring HR Into a New Decade" to the Virginia, Maryland & Delaware Association of Electric Cooperatives

September 2019, moderating "A Conversation with Commission Lipnic" at the Virginia Bar Association Labor & Employment Conference

July 2019, presenting "Workers Who Can't Wait – Navigating Leave as an Accommodation" to Virginia Bar Association Summer Meeting

May 2019, presented "#MeToo in the Workplace: Creation, Compliance, Countermeasures" to the Society of Corporate Compliance and Ethics

February, 2019, New DOL Guidance on Tip Credit webinar

August, 2018, presenting "U.S. Employment Law Training", Richmond, VA

June, 2018, presenting "ADA Compliance Overview", Richmond, VA

March 22, 2018, presenting "Harassment Pitfalls", Richmond, VA

February 12, 2018, presenting "EPLI: A Year in Review and A Look at What Is To Come", Jersey City, NJ

October 11, 2017, presenting "Wage Issues: Practical Tips to Avoid Liability", with NBI, Inc.

May 18, 2017, presenting "Staffing and Employment Issues" to the Associated General Contractors of Virginia, Young Leaders Conference

May 11, 2017, moderating “Human Resources 101: Hiring, Firing and Employment Law Update” for the Richmond Bar Association

April 11, 2017, presenting “The Trump Experience: How U.S. Law Will Change – Employment Changes, webinar

April 27, 2017, presenting “The Trump Experience: How Employment Laws Will Change” to the Virginia Association of Personal Care Providers, 2017 Spring Meeting

March 1, 2017, presenting “Contractors-Employees: A War on Misclassification”, Richmond, VA

August 25, 2016, presenting “Minimizing Risk in the Construction Industry: Tips of Managing Employees” to the Associated General Contractors of Virginia, Young Leaders Conference

July 20, 2016, presenting “Be(A)ware – Employment Laws are Changing” to the Association of Legal Administrators

July 12, 2016, presenting “War on Misclassification” to the Hanover Chamber of Commerce

April 7, 2016, (Newport News), April 12, 2016 (Richmond), April 19, 2016 (Fairfax) presenting “Human Resources Rules and Regulations” to the Virginia Association of Personal Care Providers

April 11, 2016, presenting “How to be a DOL/ OSHA Whisperer: Speaking the language of regulators” to the Hill-Tucker Bar Association

April 13, 2016, presenting “How to be a DOL/ OSHA Whisperer: Speaking the language of regulators” to the Richmond Bar Association

January 14, 2016, presenting "Employment Law Update: Cutting Edge Issues" to lawyers and human resources professionals on behalf of Sterling Education Services

October 7, 2015, presenting "Discipline and Discharge - Necessary Documentation," and “Controlling Unemployment Compensation Costs” to lawyers and human resource professionals on behalf of the National Business Institute

October 6, 2015, presenting “Human Resources, Overtime Exemptions, and the ACA” to the Virginia Association of Personal Care Providers

October 7, 2015, presenting “Discipline and Discharge - Necessary Documentation,” and “Controlling Unemployment Compensation Costs” to lawyers and human resources professionals on behalf of the National Business Institute

October 2015, presenting “The Five Hottest Areas of Employment Liability Risk” to the Chesterfield Chamber of Commerce

February 4, 2015, presenting “Fundamentals of Employment Law” to lawyers and human resources professionals on behalf of Sterling Education Services