



## Filling a Labor and Employment Law Void

BY MELANIE PLENDA / PHOTO BY BILL GNADE

Ben Wyatt could've stayed on the corporate path, marking time with legal memos and billable hours.

He chose not to.

Instead of following a prescribed path, one typically determined by circumstance, finance or the age old it's-just-what-you-do's, Wyatt chose to be his own compass; one that led him west to Keene and to the true north of his passion: his own practice.

As a labor and employment attorney, whose office is located at 17 Elm St. in Keene, Wyatt helps a variety of clients; his primary focus assisting startups and entrepreneurs. Since opening his firm in 2014, he's already grown to add two more lawyers, a cadre of support staff, broader reach and additional services.

Wyatt's interest in labor and employment started while studying at Yale Law School in New Haven, Conn. As part of the program, he set up a clinic to help small and startup business owners as well as entrepreneurs in economically depressed areas of the community.

"New Haven is kind of an interesting community," Wyatt says. "Like many other communities in this country, there is a lot of wealth, but there is also a lot of poverty. (Labor and employment law) was an area

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of need because there was a lot of entrepreneurship, but it was done on an informal level with businesses that weren't incorporated and on an employee level... They didn't know what they needed to do to comply with the laws to ensure there weren't problems."

As a consequence, he says, because they didn't have any policies or procedures and oftentimes did not have the forms needed, the businesses had a hard time getting financial support. And if they managed to get large enough, there was a whole different set of challenges, he says, related to employees and compliance, minimum wage laws and overtime laws, salary versus hourly classifications and the like.

"Through the work we did with the small businesses, I know that I personally started to experience many of the needs that they had

and the difficulties they were facing in terms of gaps in the legal marketplace," Wyatt says. "So that was much of what inspired me in law school and thereafter."

After graduating in 2005, Wyatt took a position with Goodwin Procter LLP in Boston. While the firm handled a good deal of Fortune 500 companies, it also had a startup focus, and it was labor law that once again grabbed Wyatt's interest.

"The fundamentals of employment law are really that the work you do affects real people, real businesses owners, real employees in a day-to-day level," he says. "So I really liked that my work was directly affecting businesses and employees. And so, once I started doing employment work, I was hooked."

But Wyatt also had a yearning to get back to his roots. Though he grew up in Greenfield, Mass., the Monadnock Region was his old stomping grounds and his best friend still lived in Keene. When Wyatt and his wife were looking to start a family, they moved to Keene where Wyatt took a job at C&S Wholesale Grocers as a labor and employment council there. He was eventually promoted to senior labor and employment counsel with the company and was able to help navigate through its employment policies and practices as well as a number of labor and employment issues. It was here he was able to get exposure to what labor law means to an employer in a real, day-to-day sense.

"There's a lot of real time questions that come up," he says. "So in other words, at a law firm, especially the big Boston law firms, it's very typical that questions come in and there's a week spent researching it and these very expensive, highly sophisticated, legal memos are produced to answer the question."

That's a far cry from being in the trenches of an in-house counsel, he says. "What you learn in-house is how to apply all of the legal knowledge that you've gained through all the studying and learning and litigating that you've done, and you learn to apply it in terms of a real-life situation."

For example, Wyatt explains, if the manager of a warehouse calls you and asks if they can search an employee who reportedly has a knife, "suddenly you have a series of privacy issues, employment issues and there's a very real and present need to get an answer quickly. It could be

very important from a safety perspective to do the right thing and do what you can while also not violating the law because there are privacy protections there."

He says in-house attorneys are also very focused on addressing issues before they become lawsuits as opposed to firms where the bulk of the work is dealing with problems that have gotten to the point of lawsuit.

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*- Ben Wyatt*

"There's a real-time element, a focus on efficiency and effectiveness, and focusing on solving problems before they grow bigger," he says.

That said, while he enjoyed the work at C&S, Wyatt says he still was missing something.

"I have always had a desire to be involved not just with big companies, but also with smaller companies and startups in the local community," he says. "You can see from my work and my starting up a clinic in law school and the initial impetus to go to a law firm that worked with startup companies that that's always been an interest of mine."

Not only that, but Wyatt started to realize that business owners who needed a labor and employment attorney were going to be hard pressed to find one closer than Concord, Manchester or Nashua. Therefore, if he started his own company, he'd be filling a substantial void in this part of the state.

After leaving C&S, Wyatt worked out of his home for the first couple months before realizing he needed more space. "I had to gain office space, gain the accoutrements of a law firm," he says. "There's sort of a whole element of setting up the systems and everything else that are needed to be effective."

Put more bluntly, Wyatt says, "Legal servic-

es are comparatively somewhat expensive. Why would someone trust that you know what you're doing? You can have that experience, but if you're sitting in your living room, they are probably not going to trust their deepest secrets and the fears that they have on a business level to you."

So when he discovered he could have space through the Hannah Grimes Center for Entrepreneurship, he jumped at the chance. Not only was he able to join a group of likeminded entrepreneurs — which helped him with his own business — his experience in labor and employment law would prove an invaluable resource to that group.

"Ben is a motivated, intelligent entrepreneur who contributed a great deal to the incubator community and its vibrancy," says Jake Nonweiler, program director at the Hannah Grimes Center. "As an incubator associate, Ben was engaged, passionate, and always seeking opportunities to learn and grow. While we miss him in the program, we are fortunate to have had him and his team."

Wyatt says because of his time at Hannah Grimes he was able to learn firsthand the challenges that small business owners and startup owners face, specifically in the Monadnock Region. Not only could he then head off and plan for those issues in his own business, but he was also then able to develop a suite of services specifically to help startups.

Since 2014, the business has grown quickly. Wyatt has two additional attorneys — who can work in New Hampshire, Massachusetts and Vermont — and a support staff working out of his office. His suite of services now includes trust and estate services and he's started expanding his clientele to include employees who believe they've been wrongfully terminated, harassed or otherwise may be treated unfairly.

Going forward, Wyatt says, he hopes to be able to grow to the point where he can practice in other areas of New England where there is a dearth of labor and employment attorneys.

"We are very focused in this part of the state, but we feel it's possible to provide services to clients around New England from our base here," Wyatt says. "So our idea would be to continue to expand primarily based within the field of labor and employment. ... We never want to lose the Cheshire County center of gravity that we have. I hope to stay in this county the rest of my life." ♥