

Tracy A. Walsh

Partner / Board of Directors & Employment Managing Partner



Philadelphia

2000 Market Street
Suite 1300
Philadelphia PA 19103
D: 215.825.7224
F: 215.564.7699
twalsh@wglaw.com

Mt. Laurel

2000 Midlantic Drive
Suite 200
Mt. Laurel NJ08054
T: 856.667.9111
F: 856.667.9485

Tracy defends private employers, public entities and individuals in all areas of employment-related litigation. Tracy's practice also includes counseling employers on compliance with workplace laws.

Tracy regularly defends private employers, public entities and individuals in state and federal courts in Pennsylvania and New Jersey, as well as before administrative and government agencies such as the U.S. Equal Employment Opportunity Commission, the Pennsylvania Human Relations Commission, the New Jersey Division on Civil Rights, the U.S. Department of Labor and the Delaware Department of Labor. She represents employers in cases alleging discrimination, harassment, and retaliation (Title VII of the Civil Rights Act, 42 U.S.C. Section 1981 and 1983, Age Discrimination in Employment Act, Americans with Disabilities Act, Pennsylvania Human Relations Act, New Jersey Law Against Discrimination), as well as claims under the Fair Labor Standards Act, the Family Medical and Leave Act, the New Jersey Conscientious Employee Protection Act, the Pennsylvania Whistleblower Law, USERRA and state wage and hour laws.

Tracy also defends employers in cases of alleged negligent hiring and supervision involving sexual harassment and assault.

Tracy's practice includes providing risk management advice, guidance and training to employers and management personnel on matters including handbooks and policies, on-site anti-harassment training, FMLA and ADA compliance, and discipline and termination strategies.

Her practice also includes defense of public and quasi-public agencies and law enforcement officers against claims of constitutional violations such as Section 1983, due process, equal

Assistant

Denise Barr
215.972.7900 ext 7896
dbarr@wglaw.com

Industries

Healthcare
Food, Beverage & Hospitality
Manufacturing
Public Entities
Nonprofit
Education
Abuse & Misconduct Claims
Gaming

Practices

Employment
Civil Rights and Municipal Liability
Litigation

Education

Temple University James E. Beasley
School of Law, J.D., 1991

Pennsylvania State University, B.A.,
magna cum laude, 1988

Bar Admissions

Pennsylvania
New Jersey

Court Admissions

United States Supreme Court
Supreme Court of Pennsylvania
Supreme Court of New Jersey

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protection, excessive force, malicious prosecution and conspiracy.

Tracy is recognized in the industry as a leader in the field. She has achieved an "AV" Preeminent rating and was selected as a *Top Rated Lawyer* in Labor and Employment by *Martindale-Hubbell*. The Pennsylvania edition of *Super Lawyers* included Tracy in 2011, 2012, 2020, 2021, and 2022 for her practice of Employment and Labor Law. *For more information regarding methodology for these accolades, pursuant to New Jersey Lawyer Advertising guidance, please see here: <https://bit.ly/WGMartindaleHubbell> and <https://bit.ly/WGSuperLawyers>. No aspect of this advertisement has been approved by the Supreme Court.*

At Weber Gallagher, Tracy serves on our Board of Directors. Additionally, she is an active member of our Pro Bono Committee, Diversity, Equity & Inclusion Committee, and Women's Initiative. She is the past Chair of our Pro Bono Committee.

Selected Cases

Wells v. Retinovitreal Associates, (3d Cir. 2017) (disability discrimination retaliation)

Salvo v. Duryea Borough, M.D. Pa. 2013 (sex/pregnancy discrimination & First Amendment)

Pfeiffer v. Borough of Slatington, 2010 WL 3933278 (E.D. Pa. 2010) (First Amendment)

Doby v. Decrescenzo, 171 F.3d 858 (3d Cir. 1999) (defamation/invasion of privacy)

Varela v. Philadelphia Neighborhood Housing Services, 68 F.Supp.2d 575 (E.D. Pa. 1999) (disability discrimination).

Experience

- ***Results may vary depending on your particular facts and legal circumstances.***
- Obtained summary judgment, affirmed by the Third Circuit Court of Appeals, of civil rights claims, including Fourth Amendment violation claims based on individual and municipal liability, for a municipality and borough official.
- Obtained summary judgment, affirmed by the Pennsylvania Superior Court, of disability discrimination claims under PHRA for a health care facility in state court in a case brought by a

United States District Court of Appeals for the Third Circuit
United States District Court for the Eastern District of Pennsylvania
United States District Court for the Western District of Pennsylvania
United States District Court for the Middle District of Pennsylvania
United States District Court for the District of New Jersey

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former employee.

- Obtained dismissal of civil rights claims, including false arrest and selective prosecution, and RICO violation claim, for police officer in a federal court case.
- Obtained dismissal of whistleblower and wrongful discharge claims under public policy for health care provider in a federal court case brought by a former employee.
- Obtained dismissal of civil rights claims, including malicious prosecution, wrongful seizure and excessive force, as well as state law claims, for nonprofit organization and law enforcement officer in two federal court cases.
- Obtained summary judgment, affirmed by the Third Circuit Court of Appeals, of disability discrimination and retaliation claims under ADA, PHRA and FMLA for healthcare provider in a federal court case brought by a former employee.
- Obtained dismissal of intentional infliction of emotional distress claim and §1985 conspiracy claim for a municipality and township officials in a gender discrimination federal court case brought by a female police officer.
- Obtained summary judgment of gender/pregnancy claims under Title VII and PHRA as well as First Amendment political affiliation and association claims for a municipality and several borough officials in a failure to appoint/hire federal court case brought by a female police officer.
- Obtained dismissal of a Pennsylvania Whistleblower claim for a telecommunications company in a federal court case brought by a former employee.
- Obtained voluntary dismissal with prejudice of malicious prosecution and civil conspiracy claims for a board member of a non-profit organization in a state court case brought by multiple plaintiffs.
- Obtained dismissal of First Amendment retaliation and §1983 civil conspiracy claims for a municipality and several borough officials in a federal court case brought by a former employee.

Professional & Community Involvement

Pennsylvania Bar Association

Defense Research Institute (DRI), Employment Law Committee,
Governmental Liability Committee

Friends of the Delaware County Women's Commission

Society for Human Resource Management (SHRM)

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