

Employment Litigation

Prominent clients from many institutions and industries entrust the lawyers in our Employment Group to resolve their most sensitive and complicated employment law matters. They rely on us not just for our skill and experience, but our responsive service and practical advice tailored to each client's business objectives and corporate culture.

When our clients face litigation, we represent them in state and federal court proceedings, as well as at administrative agencies, including the EEOC and the Massachusetts Commission Against Discrimination. Our attorneys also have experience defending complex class actions, including multi-state, federal actions.

We also conduct investigations of alleged or suspected employment law violations, enabling our clients to make assessments of potential exposure and to adopt appropriate policies and practices to deter any potential future misconduct.

Chambers USA and other peer-reviewed publications recognize the excellence of our employment lawyers, who have collectively authored many scholarly articles and publications, lectured in law schools and continuing legal education forums, and provided expert commentary for media publications and news outlets, such as NPR and Lawyers Weekly.

Many of our core employment law clients have been with us for 15 years or more, reflecting our collective dedication to superior client service. We respond promptly to client inquiries and deliver advice in a prompt and efficient manner.

We understand and appreciate that a client is entrusting us with very significant issues. We take this responsibility very seriously and we return that trust with our most serious professional efforts.

Our Service Difference

Many of our core employment law clients have been with us for 15 years or more, reflecting our collective dedication to superior client service. We respond promptly to client inquiries and deliver advice in a prompt and efficient manner. That starts with choosing the right staff and employing the right tools and technology to handle each matter and to service each client optimally.

Employment matters transcend the law because they impact the day to day functioning of our client's businesses. We work together with our clients to shape responses that preserve and enhance corporate culture while avoiding liability.

This full-service approach to employment matters involves complete attention to all of the client's related needs, meaning that we provide proactive advice, preventive counseling and suggestions

based on the lessons we learn defending cases, as well as introductions to other helpful professionals who may be able to help mitigate inevitable risks and losses.

Utilizing our deep experience, we also provide value to clients through early case assessments, which help to identify potential opportunities for quick and creative resolutions. We know that clients are not always looking to vanquish opponents, especially if they are frequent antagonists or sometimes collaborators. In all situations, we hold to the highest standards of professional integrity and conduct.

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Our Clients

Public and privately held companies, non-profit institutions, and professional service providers all rely on our employment law advocacy.

Our clients are involved in many industries and enterprises, including , education, health care, pharmaceuticals, financial services, manufacturing, retail, restaurants, hospitality, recreation, media, auto sales and distribution, energy, technology, aerospace and defense, as well as all kinds of real estate development, management and construction.

Our Experience

When our clients face litigation, we represent them in state and federal court proceedings, as well as at administrative agencies, including the EEOC and the Massachusetts Commission Against Discrimination. Our attorneys also have experience defending complex class actions, including multi-state, federal actions.

Substantively, our lawyers have resolved or tried to verdict all kinds of employment law claims, including claims involving allegations of:

- Discrimination on the basis of race, age, gender and sexual orientation
- Sexual harassment and retaliation
- Breach or validity of non-compete and non-solicitation agreements, including agreements in specialized industries with intricate legal ramifications, such as the pharmaceutical industry
- Violation of confidentiality agreements or theft of trade secrets and proprietary information
- Wage and hour violations and worker misclassification
- WARN provisions associated with mass layoffs and reductions in force

- Whistleblowing
- Workplace misconduct
- Wrongful termination

We also conduct investigations of alleged or suspected employment law violations, enabling our clients to make assessments of potential exposure and to adopt appropriate policies and practices to deter any potential future misconduct.

In addition to handling investigations and litigation, our lawyers provide clients with proactive counseling and workplace training, as well as carefully crafted, sometimes negotiated employment-related agreements, policies and manuals. See our [Employment Services](#) page in the Business-Corporate section of this website for more information.

Representative Matters

Defense of Massachusetts' Class Action Wage and Hour Litigation

Handled defense of Massachusetts' class action wage and hour litigation.

Class Action Alleging Violations of State Wage and Overtime Laws

Secured summary judgment for a national real estate investment and management company, which resulted in the dismissal of all claims in a class action alleging violations of state wage and overtime laws.

Defense of Automobile Dealerships in Wage and Hour Class Action

Representation of automobile dealerships in defense of multiple class actions alleging widespread violations of wage and hour laws, which involve novel claims under Massachusetts law.

Employment Discrimination Claims Against Securities Firm Managing Director

Obtained a rare pre-hearing dismissal of employment discrimination claims against a Managing Director of a major investment bank during FINRA arbitration. Thereafter, successfully pursued indemnification from the bank, including defeating a motion to arbitrate the indemnification claims.

Arbitration With an Aggrieved Former Partner Claiming Wrongful Discharge

Obtained a complete dismissal of claims for an international law firm during arbitration with an aggrieved former partner claiming wrongful discharge and seeking millions of dollars in allegedly unpaid compensation.

Claims of Religious Discrimination

Successful representation of car dealership in multi-day public hearing alleging religious discrimination (judgment for our client).

General Representation of One of the Largest Privately Held Businesses in the Commonwealth of Massachusetts

General representation of one of the largest privately held businesses in the Commonwealth of Massachusetts – including day to day advice, annual training of more than 2,500 employees, handbook development, representation in wage and hour audits and all manner of employment litigation.

Restrictive Covenants, Employee Investigations, Litigation and Corporate Restructuring
Representation of pharmaceutical companies in matters related to restrictive covenants, employee investigations, litigation and corporate restructuring.

Dispute with Independent Physicians Association
Represented a large group of physicians and their employer in a dispute occasioned by their decision to leave a large Independent Physicians Association.

Financial Services Firms in Whistle-Blower Case
Obtained summary judgment on all counts for two financial services firms in a hotly-contested whistle-blower case in San Francisco Superior Court.

Disability Discrimination Matters
Obtained a directed verdict at trial on behalf of an international lighting manufacturer in a disability discrimination case.

“Material Change Doctrine” and Common-Law Contract Principles
Obtained summary judgment in state court litigation favorable to clients, which invalidated the non-competition and non-solicitation provisions of an employment agreement under the “material change doctrine” and common-law contract principles.

Wage Act Violations
Represented an international hotel chain in state court litigation concerning alleged wage act violations, where the client prevailed on summary judgment and secured a favorable settlement.

Class Action Alleging Violations of State Wage and Overtime Laws
Secured summary judgment for national real estate investment and management company, which resulted in the dismissal of all claims in a class action alleging violations of state wage and overtime laws.

Matters Involving Fair Labor Standards Act, Title VII, the Family Medical Leave Act, and the Age Discrimination in Employment Act
Successful defense of numerous lawsuits brought in federal court, state court, and before state administrative bodies concerning claims under the Fair Labor Standards Act, Title VII, the Family Medical Leave Act, the Age Discrimination in Employment Act and parallel state law claims.

Massachusetts Wage Law Class Action Litigation
Representation of several entities in defense of class actions alleging violations of the Massachusetts Wage Laws.

Publications

November 4, 2020

PFML is Coming – Are Your Policies Ready?

September 8, 2020

Classes Resuming Have Ripple Effect on Businesses and Working Parents

August 11, 2020

Is Your Employer Legally Allowed to Ask Where You're Traveling, Health Questions?

WCVB Channel 5 News

July 13, 2020

Trust and Culture in the Changing Workplace

Crain's New York Business

June 1, 2020

Employer Beware: Avoiding Fraudulent Unemployment Claims

May 18, 2020

Principles for a Successful Return to the Workplace

May 18, 2020

Model Screening Questionnaire

May 5, 2020

COVID-19 Safety Checklist for Reopening Your Workplace

March 31, 2020

FFCRA Leave Entitlements – Informal Guidance Released

March 26, 2020

Summary of CARES Act

March 20, 2020

Federal Law Provides Paid Leave for COVID-19

October 21, 2019

How to ensure your company culture is as healthy as it looks

Crain's New York Business

February 15, 2019

Breaking Down the New Massachusetts Noncompete Rules for Employees

August 16, 2018

Five Steps You Can Take Starting Today to Get Ready for New Noncompete Legislation

November 2, 2017

Does NY Labor Law §193 Have “Anything to Do with the Failure to Pay Wages?”

New York Law Journal

April 5, 2017

Forum Selection: An Important Tool for Non-Competes

New York Law Journal

June 2016

Department of Labor Doubles Salary Basis Test for Overtime Exemption

September 2015

NLRB Issues Significant Ruling on “Joint Employer” Issue

February 2014

Post-Employment Restrictions: 35 Years of Uncertainty

New York Law Journal