

Employment Law and Litigation

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Risk Mitigators, Strong Advocates

In the ever-changing landscape of employment law, we understand the challenges employers face. Clients see us as their allies in managing the employer-employee relationship. We take the time to learn our clients' businesses and risk tolerance and tailor our advice and litigation strategy accordingly.

We tirelessly pursue your interests, seeking favorable outcomes both within and beyond the courtroom. All of the partners in the Employment Law and Litigation Practice have tried employment cases and have developed a keen sense of how an employer's pre-suit treatment of its employees can impact the outcome of litigation. Our goal is to assist you in preventing legal problems and to zealously advocate on your behalf when litigation arises.

Breadth of Litigation Experience

We have a deep bench of trial attorneys with a proven track record of success in state and federal courts and before administrative agencies, including the Massachusetts Commission Against Discrimination (MCAD), the Rhode Island Commission for Human Rights (RICHHR), and the Equal Employment Opportunity Commission (EEOC). We have experienced employment lawyers admitted in Massachusetts, Rhode Island and New Hampshire.

We represent a wide variety of employers, from some of the state's largest employers to small business owners. Our clients include health care institutions, universities, public and private schools, franchisees, municipalities, hotels, car dealerships, credit unions, and social service agencies. We are approved panel counsel for a number of insurers to defend employment practices liability claims.

We have successfully defended our clients in cases alleging violations of state and federal statutes, including:

- Title VII of the Civil Rights Act of 1964
- Age Discrimination in Employment Act (ADEA)
- Americans with Disabilities Act (ADA)
- Fair Labor Standards Act (FLSA)
- Family & Medical Leave Act (FMLA)
- Employee Retirement Income Security Act (ERISA)
- G.L. c. 151B (Massachusetts Fair Employment Practices Act)
- R.I.G.L. 1956 § 28-5-1 (Rhode Island Fair Employment Practices Act)
- The Massachusetts Payment of Wages Act

Our litigation expertise also includes defending employers in cases alleging common law claims including violation of non-compete agreements, breach of contract, defamation, and intentional interference with an advantageous business relationship.

Throughout the life of a case, we work closely with clients to resolve each matter efficiently and successfully. We have won defense verdicts for employers in state and federal courts and before administrative agencies. We look for opportunities to dispose of cases by pretrial motion and have successfully disposed of many cases by summary judgment. When a negotiated settlement is in your interest, we mediate cases or negotiate directly with opposing counsel to achieve resolution of the claim.

Peabody & Arnold's employment lawyers are known for their breadth of knowledge of employment law, their trial skills, and their practical and thoughtful approach to resolving employment disputes. Our clients value our passionate, efficient, and cost-effective representation.

Risk Management Solutions

We offer clients a full range of employment practices liability risk management services, including advice and counseling, independent investigations, and training.

Advice and Counseling

We counsel clients on all aspects of the employment relationship. We routinely advise employers on matters relating to legally sound employment practices and policies, including policies related to hiring, promotion, discipline and discharge. We assist in the drafting of employee handbooks and employment agreements. Clients turn to us for advice when facing challenging management issues, workplace conflict, and internal complaints.

Independent Investigations

Members of the Employment Law and Litigation Practice are regularly retained by employers and their counsel to conduct independent investigations and assessments of employment-related issues including complaints of sexual harassment, discrimination, and other unlawful, inappropriate, or problematic workplace behaviors.

In conducting these investigations and assessments, we draw upon our litigation and trial practice skills as well as our deep knowledge of employment law to conduct a thorough and unbiased inquiry. We can provide clients with comprehensive reports of our factual findings and, when requested, advice regarding potential legal risks and recommendations for risk mitigation.

Training

Our attorneys are experienced in training managers and employees on a variety of employment law topics, including sexual harassment, discrimination and retaliation, respectful workplaces, and disability accommodation. Training topics also include practical, actionable advice for managers and human resources professionals. We work with clients to develop customized, interactive training that addresses the unique needs of their business.

Professional Engagement

We stay abreast of trends in the defense of employment cases by being active participants and assuming leadership positions in a number of bar associations including the Defense Research Institute (DRI), the International Association of Defense Counsel (IADC), the Massachusetts Bar Association (MBA), the Boston Bar Association (BBA), and the Massachusetts Defense Lawyers Association (MDLA). Our employment lawyers have published on employment law topics and regularly speak to professional associations and industry groups on the prevention and defense of employment practices claims.