

Employment Law and Litigation

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Risk Mitigators, Strong Advocates

In the ever-changing landscape of employment law, Peabody & Arnold focuses on management-side employment law matters. Clients view us as trusted counselors, helping them to minimize the risk of litigation, and as vigorous advocates when litigation results. All of the partners in the Employment Law Group have tried employment cases and know what triggers employee lawsuits and how an employer's pre-suit treatment of its employees can impact the outcome of litigation. Our clients see us as their allies in all aspects of managing the employer-employee relationship. We understand our clients' businesses and risk tolerance and tailor our advice and litigation strategy accordingly.

Proven Track Record of Success

We tirelessly pursue your interests, seeking favorable outcomes both within and beyond the courtroom. Our goal is to assist you in preventing legal problems in the employment relationship and to effectively resolve matters that result in litigation. Our strength is a track record of proven success in employment litigation.

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, franchisees, municipalities, hotels, schools, car dealerships, credit unions, and social service agencies. We have experienced employment lawyers admitted in Massachusetts, Rhode Island and New Hampshire.

Breadth of Litigation Experience

We have a deep bench of trial attorneys who have achieved successful outcomes for clients in the full range of employment disputes in state and federal courts and before administrative agencies, including the Massachusetts Commission Against Discrimination (MCAD), the Rhode Island Commission for Human Rights (RICHR), and the Equal Employment Opportunity Commission (EEOC). We have zealously and successfully advocated for our clients in cases alleging violations of the following statutes:

- Title VII
- 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)
- M.G.L. c. 151B et. seq. (Massachusetts Anti-Discrimination Statute)

- R.I.G.L. 1956 § 28-5-1 et. seq. (The 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 successfully. Our attorneys 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 mitigate the risk of an unfavorable verdict.

Recent Defense Verdicts

- *Shervin v. Partners HealthCare, et al .*, USDC, Massachusetts, Docket No. 10-CV-10601-DJC, In May, 2014 after a six-week jury trial in the United States District for the District of Massachusetts, a jury returned a defense verdict in a case alleging gender discrimination, retaliation, and intentional interference with an advantageous business relationship. This verdict was subsequently affirmed on appeal to the First Circuit Court of Appeals. *Shervin v. Partners HealthCare*, 804 F.3d 23 (2015).
- *Talia Lauria v. Robert W. Sullivan, Inc.*, Massachusetts Commission Against Discrimination, Docket No. 09BEM00673; After public hearing in October 2013 before Hearing Officer Judith Kaplan on a sexual harassment retaliation claim, the Commission found for the respondent, Robert W. Sullivan. The case is currently on appeal.
- *Same-Suffie Dumeus v. Newton-Wellesley Hospital*, Middlesex Superior Court Civil Action No. 2012-4633. In June 2015, a Superior Court jury returned a verdict in a discrimination case on behalf of the firm's client, a major medical center in the greater Boston area. This verdict was subsequently affirmed on appeal by the Appeals Court in August 2017.

Prevention of Employment Practices Claims

We counsel clients on all aspects of their relationships with their employees and offer practical solutions to resolving workplace disputes.

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. We conduct sexual harassment and other employee training, and we investigate employee complaints.

We keep abreast of new and changing legislation, and provide timely information to our clients designed to maximize compliance with statutes and regulations and to minimize risk of exposure to litigation. This aspect of our employment law practice enormously enhances our ability to assess exposure or the potential for recovery once a dispute has arisen.

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. We learn our client's business and provide an individualized approach to both risk-management and litigation strategy based upon the client's needs and desires. Our clients value our passionate, efficient, and cost-effective representation.

Professional Engagement

The Firm's employment lawyers 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 have spoken to professional associations and industry groups on the prevention and defense of employment practices claims.

Professional Recognitions

- "Best Law Firms," *U.S. News & World Report* Rankings
 - National Ranking: Tier 3: Litigation-Labor & Employment
 - Boston Ranking: Tier 1: Litigation-Labor & Employment; Tier 2 Employment Law-Management
- Best Lawyers in America
- Super Lawyers
- Rising Stars
- AV rated by Martindale-Hubbell