

INDUSTRIES

Finance
Health Services
Manufacturing, Distribution
& Logistics
Nonprofit
Public Agencies &
Municipalities
Retail & Shopping Centers
Technology

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EMPLOYMENT

OVERVIEW

Sherin and Lodgen's Employment Law Department represents executives, professionals, and business clients across a wide range of industries, providing counseling, negotiations, and complex litigation services.

ACCOLADES

Our Employment Department is ranked by *Chambers USA* for "Labor and Employment: Mainly Plaintiff's Representation" in Massachusetts. The Department has been recognized by *U.S. News and World Reports* "Best Law Firms" for excellence in Employment Law. Chambers interviews with clients have noted,

"My overall impression of the team is one of superb client service and great value for money. Particular strengths include extraordinary legal knowledge and skills, persistence and a fearless and unwavering commitment."

"Nancy is extremely well versed in the law. I have been seriously impressed by the totality of her understanding. Whenever I have chosen not to follow her advice, I have always been wrong."

"I think [Brian's] extremely smart," I've been impressed with all of the materials that he's drafted for me and with the way he brings in his own knowledge of case law in to bear on my matters."

CAPABILITIES

TRANSACTIONAL EMPLOYMENT PRACTICE

The firm's transactional employment practice provides advice and representation to executive and professionals in matters including:

- Executive and professional employment agreements
- Short- and long-term incentive arrangements including deferred and equity compensation
- Non-competition, non-solicitation and non-disclosure agreements
- Termination and severance protection, including "Good Cause" and "Good Reason" strategies
- Change in control provisions
- Post-employment consulting agreements
- Expatriation agreements

Because of our unique experience navigating and advising on sophisticated and complex employment and compensation terms, many of our clients continue to seek our attorneys' advice throughout their professional careers.

LITIGATION EMPLOYMENT PRACTICE

When disputes arise, clients turn to our litigation attorneys for assistance in high-level, complex litigation work. Our attorneys have significant experience representing clients in state and federal courts and before state and federal administrative agencies in Massachusetts and other states including the Massachusetts Commission Against Discrimination (MCAD) and Equal Employment Opportunity Commission (EEOC).

Our representation includes pursuing and defending clients in matters concerning:

- Non-competition and restrictive covenants
- Trade secret disputes
- Executive and professional termination disputes, including those in arbitration
- Disputes between partners and shareholders in closely held corporations
- Discrimination, sexual harassment, disability and leave issues, including those under Family Medical Leave Act (FMLA)
- Wrongful termination and retaliation claims
- Whistleblower disputes

EXPERIENCE

Our experience falls into three general areas of work:

- First, we assist executives throughout the careers with what we call the “**in deals, stay deals and out deals.**” For example, over the past five years, we have represented a CEO first in his departure from one company, then in his negotiations to join a second company and, most recently, in the re-negotiation of the terms of the agreement with the second company to provide “stay” incentives ahead of an anticipated change of control. The incentives are tied to the business deal that our client is able to broker for the sale of the company. We have no doubt that when and if this CEO departs as a result of the change, we will be representing him as he moves forward in his career.
- Second, we represent executives and employers in **employment litigation and arbitrations**, as well as partners, minority shareholders, partnerships and closely held corporations. Our representation of clients includes all stages of litigation from preliminary injunction through trial and appeal. We have particular expertise in the litigation of restrictive covenant matters, such as non-competition and non-solicitation clauses. Recently, we were asked by a corporate client to help repel the efforts of a competitor to gain an unfair advantage by misuse of restrictive covenants. We skillfully and aggressively represented our clients’ interests in federal court, resulting in the diminishment of the restrictions. Our expertise and reputation in such matters may also allow us to help our clients avoid court. For example, recently, we brokered a deal between an individual client’s former and prospective employers such that our client was able to make an advantageous career move without the uncertainty of possible litigation hanging over her head.
- Third, many large employers with sophisticated or complex **executive compensation plans**, including equity and deferred compensation, refer their executives to us because of our known ability to

understand and work with those plans. Thus, for example, we regularly receive such referrals to assist in the negotiation or re-negotiation of employment agreements / consulting agreements for health care executives, and for the recruitment or “retirement” packages for financial services executives.