



BRIAN J. MACDONOUGH

PARTNER, EMPLOYMENT DEPARTMENT CHAIR

Pronouns: he, him, his

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Brian J. MacDonough, chair of the Employment Department, counsels and represents executives and professionals in sophisticated employment and compensation matters and employment litigation.

He handles a wide range of matters, including contract negotiation and enforcement, discrimination, whistleblowing, wage and hour issues, and wrongful termination. In particular, Brian advises executives and professionals regarding employment agreements, change of control agreements, equity and deferred compensation vehicles, non-competition and other restrictive covenants, severance/separation terms, and transition agreements.

A trusted advisor to his clients, Brian often works with them throughout their careers as they transition to new opportunities. As noted by *Chambers USA*, he “brings a calm demeanor to the table and focuses on the best outcome for his client,” says one interviewee. A client adds: “He is empathetic and very strategic in negotiations.”

In addition to his executive advocacy practice, Brian also litigates cases in both federal and state courts and appears regularly before state and federal agencies, including the Massachusetts Commission Against Discrimination and U.S. Equal Employment Opportunity Commission.

Highly respected by his colleagues, Brian is a former co-chair of the Boston Bar Association’s Labor & Employment Law Section. He also served on the committee that prepared draft sexual harassment regulations on behalf of the Massachusetts Commission Against Discrimination and he assisted in the drafting of proposed revisions of the Commission’s procedural regulations

Brian is a frequent author and speaker on matters of employment law. He is an editor and co-author of the *Massachusetts Employment Law Manual*, published by Massachusetts Continuing Legal Education, Inc. He has also co-authored employment law chapters for the MCLE’s Massachusetts Basic Practice Manual, and sections of the quarterly Commentary for the Massachusetts Discrimination Law Reporter. Brian has chaired several programs sponsored by MCLE, including “What Every Lawyer Needs to Know About Employment Law” and “Preventing and Litigating Wage & Hours Cases.”

PRACTICE AREAS

[Employment](#)

[Employment Litigation](#)

EDUCATION

New England Law, J.D., cum laude

Catholic University of America, B.A.

BAR ADMISSIONS

Massachusetts

U.S. District Court for the District of Massachusetts

ACCOLADES

- Included in 2021 *Lawdragon* 500 Leading Plaintiff Employment & Civil Rights Lawyers guide
- Named “Employment Law Trailblazer” by *The National Law Journal*
- Selected for inclusion in Massachusetts *Super Lawyers*
- Listed in *The Best Lawyers in America*®
- Ranked in *Chambers USA* for Labor and Employment: Mainly Plaintiffs Representation –

Massachusetts

- Listed in *Benchmark Litigation*

SPEAKING ENGAGEMENTS

- “Employment Law Update,” speaker, Massachusetts Bar Association Annual Labor and Employment Conference, May 18, 2022
- “Workplace Investigations: Understanding Best Practices from the Perspective of the Complainant, the Target and the Employer,” speaker, Boston Bar Association, April 14, 2022
- “Preventing & Litigating Wage & Hour Cases,” speaker, MCLE, June 8, 2021
- “Transnational Executive Employment,” speaker, Boston Bar Association, April 28, 2021
- “Religious School Worker Anti-Bias Battle Isn’t Over Yet,” co-author, *Law360*, March 29, 2021
- “Viewpoint: Cross-Border Considerations for International Executives,” author, *Society of Human Resource Management*, August 2020
- “Employment Hot Topics in the time of COVID-19,” panelist, Essex Partners, July 22, 2020
- “The CARES Act and Your Compensation,” co-author, *Chief Executive*, May 1, 2020
- “Understanding Unlawful Discrimination in the Workplace,” author, *Massachusetts Lawyers Weekly*, March 12, 2020
- “International One-Day Conference on Risk, Reward & Reputation Management Issues for Senior Executives & Founders, and their Specialist Advisers,” speaker, Forum of Senior Executive Advisers (IFSEA), February 4, 2020
- “How to save your career and your reputation when you are accused of wrongdoing,” co-author, *MarketWatch*, August 26, 2019
- “Preventing & Litigating Wage & Hour Cases 2019,” panelist, MCLE, June 20, 2019
- “Proposed Changes to the MCAD’s Procedural Regulations,” co-author, *Law360*, March 2019
- “Severance: Practical Guidance for the Departing Executive,” co-author, *Legal Management*, January 2019
- “Sexual Misconduct and the Definition of ‘Cause’,” *FEI Daily*, February 15, 2018
- “How to Protect Unvested Pay Upon Termination,” *CFO.com*, October 23, 2017
- “Wage and Hour Issues in the Dental Profession: Rights and Responsibilities Under the Massachusetts Wage Act,” *Journal of the Massachusetts Dental Society*, August 2017
- “Fortifying & Scrutinizing Employee Handbooks & Policies,” speaker, MCLE, July 18, 2017
- “What Every Lawyer Needs to Know About Employment Law,” chair and speaker, MCLE, June 16, 2017
- “Unfair v. Unlawful: Representing Clients In Wrongful Termination Cases,” speaker, Boston Bar Association, May 2017
- “‘1st Look’ at the New Massachusetts Pay Equity Law,” MCLE, September 2016
- “Legal Updates for Your Dental Practice,” Sherin and Lodgen Seminar, June 2016
- “Representing Clients before the MCAD in Employment Discrimination Cases,” speaker, Boston Bar

Association, April 2016

- “Introduction to the Practice of Employment Law,” co-author, Massachusetts Employment Law, Massachusetts Continuing Legal Education, Inc., Second, Third, and Fourth Editions and Supplements, 2006 to present
- “Introduction to the Practice of Employment Law”, co-author, Massachusetts Basic Practice Manual, Massachusetts Continuing Legal Education, Inc., Third, Fourth, and Fifth Editions and Supplements, 2006 to present

MEMBERSHIPS

- Amicus Group
- Boston Bar Association
 - Labor & Employment Steering Committee
 - Co-Chair, Labor & Employment Fundamentals Program Committee
- Massachusetts Bar Association
- Massachusetts Employment Lawyers Association
- National Employment Lawyers Association