

**JAMES S. WELIKY, ESQ.**  
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## **EDUCATION**

**NORTHEASTERN UNIVERSITY SCHOOL OF LAW**  
Juris Doctor, 1995

**OBERLIN COLLEGE**  
B.A. in Government, 1984. National Merit Scholar

## **PROFESSIONAL EMPLOYMENT**

**Messing, Rudavsky & Weliky, P.C.**<sup>1</sup>  
August 1995 - Present

Partner since March 2001 in Massachusetts law firm founded in 1988, associate from 1995 to March 2001. Practice focuses exclusively on representing employees in employment disputes. Includes practice before the MCAD, EEOC & state and federal court.

## **BAR ADMISSIONS**

Massachusetts: 1995  
Federal District Court, District of Massachusetts: 1998  
United States Court of Appeals for the First Circuit: 2000

## **PROFESSIONAL ACTIVITIES**

Faculty Member, Massachusetts Continuing Legal Education (MCLE), 2008- Present

Boston Bar Association Labor & Employment Law Section Steering Committee, 2005 - 2008; September 2012 - June 2015; September 2016 - Present

Member, Boston Finance Commission, April 2011 – March 2016

Faculty Member, Boston Bar Association Labor & Employment Law Pro Bono Panel Regarding Employment Issues for the Non-Profit, March 6, 2014

Conference Co-Chair, National Employment Lawyers Association 7<sup>th</sup> New England Regional Conference, 2011

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<sup>1</sup> The firm was named Messing & Rudavsky, P.C. until October 2001.

Chair, Massachusetts Bar Association Labor and Employment Section Council, 2002 - 2003

Vice-Chair, Massachusetts Bar Association Labor and Employment Section Council, 2001 - 2002

Member, Massachusetts Bar Association Labor and Employment Section Council, 2001 - 2003

Chair, Massachusetts Bar Association Employee Rights and Responsibilities Practice Group, 2000 - 2001

Vice Chair, Massachusetts Bar Association Employee Rights and Responsibilities Practice Group, 1999 - 2000

Member, Massachusetts Bar Association Employee Rights and Responsibilities Practice Group, 1995 - Present

Chair, Amicus Committee, Executive Committee member, Massachusetts Employment Lawyers Association, 2000 - 2007

## **PUBLICATIONS/ARTICLES**

“Pre-Employment Investigations: An Employee’s Perspective,” in Massachusetts Continuing Legal Education, Advising Employers & Employees on Off-Duty Conduct & Privacy in the Workplace Seminar Materials, 2002 (2007, 2013, 2016 Updates)

“Drafting Severance Documents: A Plaintiff’s Attorney’s Perspective,” with Messing, E.J., in Massachusetts Continuing Legal Education, Drafting Employment Documents in Massachusetts, 2007 (2013, 2016 Updates)

“Gender Discrimination,” with Musiker, J.A. and Rudavsky, D.C., in Massachusetts Employment Law, Massachusetts Continuing Legal Education, 2009 (2013, 2016 Updates); 2003 (2008 Update)

“The Relationship Between The Americans With Disabilities Act, Massachusetts Handicap Discrimination Law, and Massachusetts Workers’ Compensation Law,” with Messing, E.J., in Massachusetts Continuing Legal Education, Workers’ Compensation Practice in Massachusetts, 3d Ed., 2012 (2014 Update)

“Maximizing The Value Of Arbitration For Our Clients,” with Messing, E.J., in National Employment Lawyers Association, Annual Convention Program Materials, 2010

“Summary of Possible Employment Claims Under Massachusetts and Federal Law,” with Messing, E.J., in Representing Indigent Plaintiffs in Federal Court, Massachusetts Continuing Legal Education, 2000 (2008 Update)

“E-Discovery in Employment Cases: Some Tips for Drafting Effective Discovery

Documents,” with Messing, E.J., and Merritt, K.C., in Massachusetts Continuing Legal Education, Electronic Discovery Seminar Materials, 2008

“Contacting Employees of an Adverse Corporate Party: A Plaintiff’s Attorney’s View (2007 Update)” with Messing, E.J., in National Organization of Attorneys for Education Associations, Annual Conference Materials, 2008. Note: a variation of this article has appeared in “The Ethical Constraints on Talking to Current Employees of a Corporate Opposing Party,” with Messing, E.J. in Spriggs, K., Representing Plaintiffs in Title VII Actions, (2d Ed.) Aspen Publishers, 2001, 2005; “Contacting Employees of an Adverse Corporate Party: A Plaintiff’s Attorney’s View (2003 Update),” with Messing, E.J., in American Bar Association, The Labor Lawyer, Vol. 3, 2004

“Plaintiff Employment Litigation Strategies.” ReedLogic Video Leadership Seminar, 2007

“Selected Cases Concerning Whistleblower, Federal Civil Rights Tort, Wrongful Termination and Wage and Hour Claims,” with Cunningham, J., in Massachusetts Bar Association, 28th Annual Labor & Employment Law Spring Conference Manual, 2007.

“Update of Gender Discrimination Cases” (March 2006), in MCLE “Hot Topics in Employment Discrimination Law” (March 2006)

“Top Ten (or Fourteen) Indicators of Illegal Motive – A Plaintiff’s Perspective” (January 2006)

“‘Silence Like a Cancer Grows’ or ‘You Talk Too Much’ Ethical and Strategic Issues in Communications by Plaintiff’s Counsel with Putative Class Members,” with Messing, E.J. and Cunningham, J., in National Employment Lawyers Association, Impact Litigation Conference Manual, 2005

“You Do The Math: The Art of Calculating Settlement Demands,” with Messing, E.J., in National Employment Lawyers Association, Annual Convention Manual, 2005

“An Update of Age and Disability Discrimination Cases,” 2003 (2004 Update)

“Representing Federal Employees in Discrimination Cases: An Overview,” 2003

“Drafting Severance Documents,” with Messing, E.J., in Koffel, W.B. Drafting Employment Documents in Massachusetts, Massachusetts Continuing Legal Education, (2d Ed. 2007)

“Your First Plaintiff’s Employment Case: Spotting the Issues,” with Messing, E.J., 2002

“Ten Practice Tips for Complainants’ Attorneys at the MCAD,” 2000

“Rule 11 Sanctions: Recent Cases,” with Messing, E.J., in National Employment Lawyers Association, Annual Convention Materials, 1999

“Disclosure of Psychological Records and Mental Exams: A Plaintiff’s Perspective,” with Messing, E.J. and Rudavsky, D.C., 1999; 1997

“When Success is Not Enough: Why Courts Cut Prevailing Plaintiff’s Attorneys Fees and Why They’re Wrong,” with Messing, E.J., in ABA Newsletter, 1998

“Mandatory Arbitration: A Step Backwards,” with Messing, E.J. and Mantell, R.S., in Massachusetts Lawyers Weekly, 1998

“The Relationship Between the FMLA, Disability Discrimination Laws, and the Massachusetts Maternity Leave Statute,” with Messing, E.J., in Metrowest Materials for Difficult Issues in Handling Temporary Employees, 1997

“The Gender-Based Hostile Environment: when Non- ‘Sexual’ Harassment Is Still Illegal Harassment,” with Messing, E.J., in Massachusetts Continuing Legal Education, Bringing and Defending Sexual Harassment Cases, 1996

“Same Sex Sexual Harassment,” with Messing, E.J., in Massachusetts Continuing Legal Education, Bringing and Defending Sexual Harassment Cases, 1996

“Protecting Victims’ Interests During Investigation of Sexual Harassment Complaints,” with Messing, E.J., in Massachusetts Continuing Legal Education, Bringing and Defending Sexual Harassment Cases, 1996

“Reasonable Accommodations For Persons With ‘Hidden’ Disabilities,” with Messing, E.J., Suffolk University Law School, The Impaired/Disabled Professional, 1996

“Disclosure of Psychological Records and Mental Examinations: A Plaintiff’s Perspective,” with Rudavsky, D.C. and Messing, E.J., in National Employment Lawyers Association, New England Regional Conference Materials, 1996

“Same Sex Sexual Harassment,” with Messing, E.J., in Massachusetts Continuing Legal Education, Bringing and Defending Sexual Harassment Cases, 1996

## **INVITED PRESENTATIONS**

### American Bar Association

Section of Labor and Employment Law Student Outreach Program, Boston College Law School (April 2004)

Employment Skills Training Program: “Interaction Between the Americans with Disabilities Act, Workers’ Compensation and the Family and Medical Leave Act” (November 2003)

### Boston Bar Association

“Review and Preview of Supreme Court and Supreme Judicial Court Cases” (October 2014)

“The Use of Experts in Employment Litigation” (June 2008)

“Litigating and Winning Employment Discrimination Cases” (March 2008)

Law Librarians of New England

“The Use of Personal Information in the Workplace” (November 2008)

Massachusetts Bar Association

“The Nuts and Bolts of the MCAD” (March 2016)

“Survey of Employment Law Developments” (May 2007)

“Effectively Proving Emotional Distress Damages in Employment Cases: In Court, Before the MCAD, at Arbitration and in Mediation” (April 2007)

Brown Bag Lunch Presentation: “Advice to New Lawyers” (April 2007)

Continuing Legal Education Seminar: “Bringing, Defending and Managing Employee Whistleblower Claims” (February 2004)

Annual Conference on Labor and Employment: “Back to Basics in a Virtual World” (May 2003)

Brown Bag Lunch Presentation on the Status of Rule 4.2 (April 2003)

Continuing Legal Education Seminar: “Minimizing Risk in Employee Hiring” (May 2002)

Brown Bag Lunch Presentation regarding Lipchitz v. Raytheon (October 2001)

Continuing Legal Education Seminar: “Public Accommodations Law Basics” (December 2000)

Continuing Legal Education Seminar: “State and Federal Wage Statutes: What Every Employment Lawyer Should Know” (March 2000)

Continuing Legal Education Seminar: “MCAD Investigations under the New Rules” (June 1999)

MCAD Investigator Training Program. “MCAD Dispute Resolution Training” (April 1999)

Brown Bag Lunch Presentation: “The Overlap Between NLRA and Anti-Discrimination Law” (December 1996)

Massachusetts Continuing Legal Education

“Inner Workings of the MCAD,” Chair, Presenter (April 2019)

“Employers & Employees Behaving Badly: Claims, Trends & Savvy Strategies,” (April 2018)

“Significant Employment Cases in 2014,” MCLE Annual Employment Conference (2014)

“What Every Lawyer Needs to Know About Employment Law” (June 2013, June 2012, June 2011, July 2010, June 2009, July 2008)

“Advising Employers & Employees on Off-Duty Conduct & Privacy in the Workplace” (April 2013, May 2014, May 2018)

“Employment Law Training Modules” (March 2013)

“Employment Law for Business Lawyers and In-House Counsel” (2007-2019, 2004-2005, 2002)

“Mock Trial of an MCAD Case” (July 2013, July 2012, July 2011, July 2010, June 2009, August 2008, July 2005)

“Presenting and Defending Your ‘1st’ (or Next) MCAD Case” (February 2009, August 2002)

“Practical Tips for Negotiating and Settling Employment Cases” (January 2008)

“From Background Checks to Blogging: Practical Issues Related to Computer Use and Employment” (December 2007)

“Negotiating and Drafting Employment Agreements” (January 2007)

“Hot Topics in Employment Discrimination Law” (2007, 2006)

“Representing Clients Before the MCAD in Employment Cases” (2007, 2006)

“Emerging Issues in Employment Discrimination Law (2007, 2005)

“Employment Discrimination Update “ (2004, 2003)

“Top Mistakes Employment Lawyers Make: How to Avoid Them” (May 2004)

“Handling Sexual Harassment Claims” (April 2003)

“Presenting Your First (or Next) MCAD Case” (August 2002)

“Choosing Your Client & Framing Your Cause of Action in Employment Cases”  
(May 2002)

“Presenting Your First MCAD Case: Counsel’s Role in the Commission’s Investigation of the Complaint” (July 2000)

Metrowest Center for Continuing Education

Difficult Issues Handling Temporary Employees: “Do’s and Don’ts of Handling Temporary Employees: What You Say or Do Can Harm You” (May 1997)

New England Regional Conference, “Succeeding in the New Millennium: Practical Advice for Your Plaintiff’s Employment Practice” (May 2006)

New England Regional Conference: “Representing Federal Employees” (April 2003, April 1999)

Northeastern University School of Law

Labor & Employment Panel Discussion: “Implicit Bias” (December 2013)

Social Law Library

“Employment Law Fundamentals” (May 2015)

Other

The Justice George Lewis Ruffin Society 14<sup>th</sup> Annual Convocation Co-Sponsored with Massachusetts Employment Lawyers Association, “Is Affirmative Action Dead? Where Do We Go From Here?” (2006)

Equal Employment Opportunity Commission Trial Skills Workshop, co-sponsored by the Equal Employment Opportunity Commission and Massachusetts Commission Against Discrimination (September 2004)

“Sex Discrimination: The Legal Perspective from Opposing Sides; A Dynamic and Experiential Approach” American Association of University Women (April 2004)

**AMICUS BRIEFS AUTHORED OR CO-AUTHORED**

Diaz v. Jiten Hotel Management, Inc., United States Court of Appeals for the First Circuit, Docket No. 11-2400 (2012)

Joyce v. Town of Dennis, et al., United States Court of Appeals for the First Circuit, Docket Nos. 11-1887, 11-1928 (2012)

Thurdin v. SEI Boston LLC, 452 Mass. 436 (2008)

DeRoche v. Massachusetts Commission Against Discrimination, et al., 477 Mass. 1 (2006)

Cachopa v. Town of Stoughton, et al., Commonwealth of Massachusetts Appeals Court, Docket No. 2006-J-0077 (March 2006)

Clifton v. Massachusetts Bay Transportation Authority, 445 Mass. 611 (2005)

Clifton v. Massachusetts Bay Transportation Authority, 62 Mass. App. Ct. 164 (2004)

Clark v. Beverly Health and Rehabilitation Services, Inc., 440 Mass. 270 (2003)

Lipchitz v. Raytheon, 434 Mass. 493 (2001)

Abramian v. President and Fellows of Harvard College, 432 Mass. 107 (2000)

## **RECOGNITION**

Listed in *Best Lawyers in America* for the “Employment Law – Individuals” practice area 2012 - present

Recognized by Massachusetts Super Lawyers, 2006 - present

Included in Lawdragon’s 500 Leading Plaintiff Employment Lawyers Guide (2018 - inaugural edition, 2019)

Ranked as a Band 1 Attorney by Chambers USA under “Labor & Employment Mainly Plaintiffs Representation – Massachusetts,” 2019. Cited for his “handling of discrimination and wrongful termination lawsuits,” and for being “fair, scholarly and tenacious.”

Selected as Rising Star, 2005 by *Boston Magazine* and *Massachusetts Super Lawyers – Rising Stars Edition*

Selected as “Up and Coming” attorney by *Massachusetts Lawyers’ Weekly*, August 2001

Martindale-Hubbell – AV Pre-eminent rating