

**DAHLIA C. RUDAVSKY**  
Messing, Rudavsky & Weliky, P.C.  
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## **EDUCATION**

University of California at Berkeley (Boalt Hall) - Juris Doctor, 1978

Yale University - B.A., French and English Literature, 1972, magna cum laude with high departmental honors. National Merit Scholar.

## **PROFESSIONAL EMPLOYMENT**

Messing, Rudavsky & Weliky, P.C.<sup>1</sup> - 1988 to present  
50 Congress Street, Boston, Massachusetts 02109  
Partner in law firm founded in 1988; practice focuses on labor and employment law, including discrimination.

Harvard Law School - Academic Years 2006-2007 and 2007-2008  
Cambridge, Massachusetts  
Lecturer in Law responsible for school's course on Labor Law.

McDonald, Noonan and Kaplan - 1986-1988  
Newton, Massachusetts  
Associate in law firm representing individuals and unions in labor and employment matters.

Avery and Friedman - 1984-1986  
Associate in civil rights law firm.

Angoff, Goldman, Manning, Pyle, Wanger and Hiatt - 1980-1984  
Associate in labor law firm representing unions and individuals in labor and employment matters. Major client was the Boston University Chapter of the AAUP, which was litigating a major Yeshiva challenge at the National Labor Relations Board.

## **BAR ADMISSIONS**

States: California (1979) (currently inactive), Massachusetts (1980); Federal: District of Massachusetts (1981), Northern District of California (1979), First Circuit Court of Appeals (1984), United States Supreme Court (1990)

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<sup>1</sup> The firm was known as Shilepsky, Messing & Rudavsky, P.C. until September 1993 and Messing & Rudavsky, P.C. until October 2001.

## **SELECTED CASES**

Psy-Ed Corporation v. Klein and Schive, 2011 WL 1783112 (Mass. May 12, 2011) (Supreme Judicial Court affirms trial court retaliation ruling and expands coverage of G.L. c. 151B anti-retaliation provisions to cover former employees targeted for retaliation after their employment had ended).

Psy-Ed Corporation v. Klein and Schive, No. 99-1640 Middlesex Superior Court (2009) (Plaintiff-in-counterclaim prevails in claim of retaliation under G.L.c. 151B, where she was sued by former employer; fee enhancement awarded).

Messing, Rudavsky & Weliky, P.C. v. President and Fellows of Harvard College, 436 Mass. 347 (2002) (law firm was successful plaintiff in case where SJC elucidated Rule 4.2 of Mass. Rules of Professional Conduct to permit broad ex parte contact between plaintiffs' attorneys and employees of institutional defendants).

McMillan V. Massachusetts Society for Prevention of Cruelty to Animals, 880 F.Supp. 900 (D.Mass. 1995); 140 F.3d 288 (1<sup>st</sup> Cir. 1998) (cited by Massachusetts Lawyers Weekly as one of the ten most important cases of 1998, because of holding that damages cap for charities does not apply in discrimination cases; later cited by Justice Ginsburg in her dissent in U.S. Supreme Court Lilly Ledbetter equal pay case).

Brown v. Trustees of Boston University, 891 F.2d 337, 133 L.R.R.M. (BNA) 2013, 133 L.R.R.M. (BNA) 2443, 51 Fair Empl. Prac. Cas. (BNA) 815, 52 Empl. Prac. Dec. P 39,497, 52 Empl. Prac. Dec. P 39,707, 114 Lab. Cas. P 11,840, 114 Lab. Cas. P 11,841, 57 Ed. Law Rep. 761, 29 Fed. R. Evid. Serv. 642 (1st Cir. 1989), cert. denied, 110 S. Ct. 3217 (1990) (Court of Appeals affirms district court tenure award to faculty member who proved sex discrimination by University that had denied tenure).

Brown v. Trustees of Boston University, 674 F.Supp. 393, 46 Fair Empl. Prac. Cas. (BNA) 1642, 45 Empl. Prac. Dec. P 37,577, 43 Ed. Law Rep. 592 (D. Mass. 1987) (Court grants tenure to female faculty member denied tenure because of sex).

Brigham & Women's Hospital v. Massachusetts Nurses Association, 684 F.Supp. 1120, 128 L.R.R.M. (BNA) 2320, 111 Lab. Cas. P 10,994 (D. Mass. 1988) (Confirming arbitrator's award to union and rejecting hospital's public policy challenge).

Trustees of Boston University v. Boston University Chapter, American Association of University Professors, 746 F.2d 924, 117 L.R.R.M. (BNA) 2885, 102 Lab. Cas. P 11,222, 20 Ed. Law Rep. 1116 (1st Cir. 1984) (Faculty union case).

## PROFESSIONAL AFFILIATIONS

Massachusetts Bar Association, 1980 to present  
Chair, Massachusetts Bar Association, Labor & Employment Section Council,  
2011-2012 (previously served as Vice Chair, 2010-2011, and Co-Chair, 2009-2010)  
Massachusetts Women's Bar Association, 1980 to present  
AFL-CIO Lawyers Coordinating Committee, 1983-1988, 2009 to present  
(Member of National Advisory Board, 1983-84)

## PUBLICATIONS

Massachusetts Continuing Legal Education 14<sup>th</sup> Annual Employment Law Conference  
“New Developments in Anti-Discrimination Law, 2011: Expansion of Protection  
from Retaliation” (December 2011)

American Bar Association Section of Labor and Employment Law Annual Conference  
“Arbitration Megatrends – A Perspective From the Northeast” (2011) (co-author  
with Ellen Messing)

Massachusetts Bar Association Section Review  
“Midsummer Report” of the Labor and Employment Section’s Activities for  
(2009-2010)

Newsletter of the Committee on the Status of Women in the Economics Profession  
“Dispatches From the Tenure Wars,” (Spring 2009)

Massachusetts Bar Association Annual Conference  
“The Year In Employment Law” (2008-2009) (co-author with Kevin Merritt)  
(Annotated Outline)

Massachusetts Employment Law,  
MCLE (2007) (co-author, chapter on Gender Discrimination; 2<sup>nd</sup> Edition, annual  
supplements)

Massachusetts Lawyers Weekly  
“SJC Decision Restores Fairness in Litigation,” (April 29, 2002) (co-author with  
Ellen J. Messing)

The Jewish Advocate  
“What’s At Stake In the Hate Crimes Debate” (April, 2000) (author)

“The Wisdom Of Solomon? Court Stands With Children In Religious Dispute  
Between Divorced Parents” (January, 1998) (author)

Inside Employee Rights Litigation

John Wiley & Sons, Inc., (September 1997) “Developments in the Law of Privileged Communications Between Plaintiffs and Their Psychotherapists.”

Massachusetts Lawyers Weekly

“The Psychotherapist Privilege: New Developments,” (September 8, 1997)  
(author)

“1st Circuit ‘Astra’ Ruling Aids Anti-Bias Effort,” (September, 1996) (co-author with Ellen J. Messing)

“Revisiting The ‘Rhetoric’ Of Job Discrimination,” (July 24, 1995) (co-author with Ellen J. Messing)

“How To Respond To Sexual Harassment Complaints,” (July 18, 1994) (author)

Employment Discrimination Law and Litigation

Merrick T. Rossein, Clark Boardman Callaghan (1993) (author, chapter on Tenure)

A Judicial Guide To Labor And Employment Law,

Walsh, gen. ed. Flaschner Judicial Institute (Boston 1990) (editor, chapter on Damages for Wrongful Discharge Claims)

**INVITED PRESENTATIONS**

American Association of University Women

Annual Convention, Providence, Rhode Island - (June 21, 2003)  
Presenter: Discrimination in Debate

Boston Bar Association

“The Court Year in Review: Employment Law” (Presenter, panelist)  
(October 14, 2004)

“Damages in Employment Discrimination Litigation” (Panelist) (April 1997)

Colby College

“Prosecuting Gender-Based Discrimination in Higher Education” (Presenter)  
(April 19, 2010)

Defense Research Institute

“The Dynamics of Sexual Harassment Mediation and Trial: Keys to Successful Opening Statements and Direct Examination of Expert Witnesses - the Plaintiff’s Perspective” (Presenter) (September 1997)

Harvard Law School

“Using Employee-Side Litigation to Combat Sex Discrimination in the Workplace” (Panelist) (April 24, 2002)

Lorman Business Center, Inc.

Risk Management in Health Care Settings: “Violence in the Health Care Workplace” (January 1996)

Massachusetts Bar Association Conferences

MBA 31<sup>st</sup> Annual Labor and Employment Conference Section Council Chair (May 2010)

MBA Annual Conference Presenter; “Recent Developments in Employment Law” (March 2010)

MBA 30<sup>th</sup> Annual Labor and Employment Conference Co-chair; Moderator, Plenary Session: “Challenges of Managing the Diverse Workplace” (June 2009)

MBA 29<sup>th</sup> Annual Labor and Employment Conference Co-chair, Planning Committee; Plenary Session Moderator: “Implicit Bias and Stereotyping” (May 2008)

MBA 24<sup>th</sup> Annual Labor and Employment Law Conference (Co-chair, moderator) (May 2003)

MBA 23<sup>rd</sup> Annual Labor and Employment Law Conference (Co-chair, speaker) (April 2002)

Massachusetts Bar Association Programs

Forum Choice in Light of Changes in Massachusetts Discrimination Law (Presenter, discussion leader) (February 2001)

“Federalism and Discrimination Law: Do the Supreme Court’s Views Matter When Construing State Law?” (Panelist at 21<sup>st</sup> Annual Spring Conference) (April 2000)

Labor Law Basics - Discrimination Law (Panelist) (October 1999)

Recent Developments in Federal and State Law - Plaintiff's Perspective Sexual Harassment Update (Panelist) (October 1998)

Psychiatric Records - Issues of Privilege and Waiver (Leader) (December 1998)

Sexual Harassment Update (December 1996)

Violence in the Health Care Workplace (November 1995) (co-sponsored by Health Care Law Section)

Discoverability of Plaintiff's Psychological Records in Employment Cases (fall 1994)

Mediating Your Client's Employment Dispute (fall 1994)

12th Annual Spring Conference: Litigating Sexual Harassment (May 1992)

Age Discrimination After OWBPA (March 1991)

Individual Rights of Public Employees (March 1991)

Remedies in Wrongful Termination/Employment

Discrimination Litigation (May 1991)

Recent Developments in the Law of Sexual Harassment (December 1991)

#### Massachusetts Commission Against Discrimination

Training Seminar: "The Probable Cause Standard" (June 1999)

#### Massachusetts Continuing Legal Education

14<sup>th</sup> Annual Employment Law Conference (presenter) (December 2011)

Employment Law Basics (Co-chair, presenter) (November 2011)

Employment Law Basics (Co-chair, presenter) (November 2010)

Employment Law Basics (Co-chair, presenter) (November 2009)

Employment Law Basics (Co-chair, presenter) (May 2008)

Employment Law 2005 Conference (presenter: Punitive Damages)(December

2005)

Employment and Labor Law Basics (Co-chair, presenter) (October 2005)

Labor and Employment Law Basics (Co-chair, presenter) (October 18-19, 2004)

Employment and Labor Law Basics (Co-chair, presenter, facilitator)  
(October 20-21, 2003)

Arbitration of Employment Cases - Panelist (October 28, 2002)

Employment and Labor Law Basics (Co-chair, presenter, facilitator)  
(October 21-22, 2002)

Employment and Labor Law Basics (Co-chair, presenter, facilitator)  
(October 21-22, 2001)

Discrimination Law Highlights (Presenter) (May 30, 2001)

Employment and Labor Law Basics (Co-chair and presenter; 2-day interactive  
format) (September 2000)

Discrimination Law Update: “New Supreme Court Decisions” (Presenter) (May  
2000)

“What These Employers Did Wrong” (Presenter) (March 2000)

Employment Law Conference: “Emerging Claims and Defenses” (Presenter)  
(December 1999)

Discrimination Law Update (June, 1999)

Employment Law Conference: “Maximizing and Minimizing Damages”  
(Panelist) (November 1998)

Employment and Labor Law Basics “Prohibited Discrimination and  
Harassment,” “Ask The Experts” (October 1998)

“Employment Law Trials” (Panelist) (May 1996)

Massachusetts School of Law at Andover

Fifth Annual Employment Law Conference: “Discovery Practice - Rule 35  
Examinations” (Presenter) (November 1997)

Fourth Annual Employment Law Conference: “Mediating The Employment Dispute” (Presenter) (May 1996)

Metrowest Center For Continuing Education

“Handling Sexual Harassment Claims Under The New Massachusetts Law” (Co-chair) (November 1996)

“Handling Charges of Discrimination Employment and Sexual Harassment” (Faculty) (September 1996)

“Handling Sexual Harassment Claims Under The New Massachusetts Law” (Co-chair) (November 1996)

M.I.T. Sloan School of Management

Massachusetts Workplace Network: “Massachusetts Commission Against Discrimination: Alternate Dispute Resolution Experiment” (Discussant) (February 1996)

National Association of College and University Attorneys

Dismissal of Tenured Faculty and Tenured Faculty Members’ Rights (June 1991, Montreal)

National Employment Lawyers Association

New England Regional Conference: “Arbitration – The Nuts and Bolts” (Panel Chair, Presenter) (May 2011)

New England Regional Conference: “How and When to Use Focus Groups and Jury Consultants” (Panelist, Presenter) (May 2008)

New England Regional Conference: “Using Mediators” (Panelist, Presenter) (May 2006)

New England Regional Conference: “Strategies for Picking a Jury” (April 1999)

New England Regional Conference: Plenary Session: “Use of Demonstrative Evidence at Trial” (Presenter) (May 1996)

New England Regional Conference: “Litigating Sexual Harassment Claims” (Spring 1994)

The Program On Negotiation (Harvard, M.I.T., Tufts)

Mock Mediation Instructional Videotape (Role of Plaintiff’s Attorney - Age Discrimination/Termination) (Thibideau v. Kane Restaurant Supply) (May 1998)

Professional Education System, Inc.

Discrimination Law Update (June 1994)

Southeastern Massachusetts University (February 1991)

Conference on Labor Law, Workshop on Discrimination Law and Unions

**MISCELLANEOUS**

Selected as Massachusetts Super Lawyer annually from 2004 to the present, including listing in Top 50 Female Super Lawyers in the state for 2005, 2009 and 2011, and Top 50 Female Super Lawyers in New England for 2011

Listed in Best Lawyers in America, under “Employment Law – Individuals” and “Litigation – Labor and Employment” practice areas, 2012 Edition

Listed in Chambers USA – America’s Leading Business Lawyers, 2003-04

Named in Boston’s Best Lawyers – Employment, Boston Magazine, October 2002

Member, American Arbitration Association Employment Advisory Council, 2000

Member, Magistrate Selection Committee, U.S. Federal District Court (appointed by Judges of the District Court), 1999-2000

Selected as one of Massachusetts Lawyers Weekly’s ten “Lawyers Of The Year” for 1999.

Martindale-Hubbell – AV rating

Member of The Jewish Advocate’s panel of contributing columnists, 1997-1999

Recipient of Georgina Smith Award, American Association of University Professors, 1990, for “outstanding legal advocacy on behalf of academic women.”

Judge, Boylston Prize, Harvard University, 1990

Massachusetts Bar Association, Member of Labor and Employment Section Council, 2007-2008 and 2008-2009. Co-chair, 2009-2010

Listed In:

Who’s Who in American Law (7th Edition, 1992-93 and following)

Who’s Who in Human Services (1992-93 Edition and following)

Who’s Who in America (1994 Edition and following)

