

May 12, 2010 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.¹ - 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)

¹ 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, 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 (1st 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).

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)

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)

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)

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)

PROFESSIONAL AFFILIATIONS

Massachusetts Bar Association, 1980-present
Massachusetts Bar Association, Co-Chair Labor & Employment Section Council,
7/2009 to present
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 Bar Association Annual Conference

“The Year In Employment Law” 2008-2009 (co-author with Kevin Merritt)
(Annotated Outline)

Newsletter of the Committee on the Status of Women in the Economics Profession

“Dispatches From the Tenure Wars,” (Spring 2009)

Massachusetts Employment Law,

MCLE (co-author, chapter on Gender Discrimination; 2nd Edition, annual supplements)

MCLE (2000) (co-author, chapter on Gender Discrimination)

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)

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,

"How To Respond To Sexual Harassment Complaints," (July 18, 1994) (author);

"Revisiting The 'Rhetoric' Of Job Discrimination," (July 24, 1995) (co-author with Ellen J. Messing)

"1st Circuit 'Astra' Ruling Aids Anti-Bias Effort," (September, 1996) (co-author with Ellen J. Messing)

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

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

The Jewish Advocate

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

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

INVITED PRESENTATIONS - (sample)

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

MBA 31st Annual Labor and Employment Conference Section Council Chair (May 2010)

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

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

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

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

MBA 23rd 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 21st 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

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: "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, 2005, 2006, 2007, 2008, 2009 by Boston Magazine, and listed in Top 50 Female Super Lawyers in the state for 2005

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)

Massachusetts Super Lawyers (2005 through 2009)