

PARTNER

Brian J. Mullin

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OVERVIEW

Brian Mullin is a highly skilled and experienced lawyer who concentrates his practice in labor and employment and higher education law. Brian represents his clients in the full spectrum of labor and employment litigation matters, including wage and hour claims, discrimination actions, non-competition and trade secret disputes, and contract claims, in state and federal courts, in arbitration and mediation, and before state and federal agencies.

In addition, Brian provides higher education clients with advice and counsel in matters specific to colleges and universities, such as representation before the OCR, Title IX compliance and sexual misconduct matters, student and faculty issues, risk management, and governance matters. He is also an approved sexual misconduct investigator by United Educators, providing consulting services and training to colleges, universities and secondary schools on issues relating to preventing, investigating and responding to sexual misconduct.

Brian's clients range from entrepreneurs and small family-owned businesses to large colleges and national and international companies. Regardless of their industry, size or location, clients seek Brian out not only for his effectiveness and tenacity as a litigator, but for his skill in resolving sensitive and often complex issues in the workplace gained from lessons learned through litigation and his years of experience as a human resource executive prior to becoming an attorney.

Brian has extensive experience drafting policies, as well as all manner of employment-related agreements, including employment, compensation, commission, confidentiality, non-competition, and separation agreements. Brian works with clients to limit exposure to claims by conducting assessments of their employment practices and compliance obligations in areas such as leave administration, wage-and-hour practices, personnel actions, contract compliance, and Affirmative Action and EEO programs. Brian also develops drug testing and safety programs for clients and delivers training for employees at all levels. He also serves as a co-editor of the [Campus Counsel](#) blog.

Before Bowditch

Before becoming an attorney, Brian worked for many years as a human resource executive, gaining experience in several industries, including real estate development, finance, telecommunications and the public sector. Brian was an Associate in the labor and employment group of a large law firm before joining Bowditch & Dewey in 2009.

Brian retired from the military after more than 20 years. This included active service in the United States Marine Corps.

Besides work

Brian enjoys spending time with his family and can usually be found coaching or watching his three sons playing in local athletic leagues. Brian also provides *pro bono* legal services for disabled military veterans.

EXPERIENCE

Termination of Investigation and Dismissal of OSHA Whistleblower Claim

Brian successfully defended a client in the construction industry in connection with an OSHA investigation of a whistleblower complaint based on a former employee's allegations of improper containment and abatement of asbestos. The claim exposed the client to significant civil fines and liability for damages, as well as untold costs in connection with a potential shut down order for the client's marquee construction project. Brian responded to the claims on behalf of his client and obtained a termination of the investigation and full dismissal of the claim from OSHA without interruption to the project.

Wage & Hour Claims Dismissed on Summary Judgement

Brian successfully argued for the dismissal of wage and hour claims brought against his client in the Superior Court by a terminated senior executive. The Court agreed with Brian's arguments that the executive's claims did not fall within the scope of the wage act and dismissed the executives claims for more than \$200,000 in mandatory restitution, triple damages and attorney's fees.

Successfully Resolved Grievances Brought by Faculty Members

When faculty members selected for termination brought grievances and threatened claims against a higher education client, Brian developed a response strategy which negated the basis for the grievances and resulted in a negotiated resolution of the threatened claims on terms favorable to the institution and upholding the decision to terminate.

AFFILIATIONS

PROFESSIONAL/COMMUNITY

- Board Member, Horace Mann Educational Associates
- Member, Greater Boston Chamber of Commerce Paid Leave Advisory Committee
- Member, Boston Bar Association, Labor & Employment and University Law Sections
- Member, Society for Human Resource Management (SHRM)
- Member, Northeast Human Resource Association
- Member, National Association of College and University Attorneys
- Member, Worcester County Bar Association, Labor & Employment Section
- Member, American Bar Association

PREVIOUS

- Former Board Member, Colony Retirement Homes, Inc.

ARTICLES & TALKS

ARTICLES

- [“Employers Must Take Note of Recent Changes to CORI Regulations ,”](#) Bowditch & Dewey, May 18, 2017
- [“Employer’s Response to Discriminatory Conduct is Critical to Avoiding Punitive Damages ,”](#) Human Resources Management Association of Central Massachusetts, February 13, 2017

TALKS

- [“HR Roundtable: Paid Family and Medical Leave Act Update,”](#) Worcester Regional Chamber of Commerce Roundtable, January 26, 2021
- Panelist, [“12th Annual Employment Law Update Part 1,”](#) Bowditch & Dewey Webinar, January 19, 2021
- Panelist, [“What Massachusetts employers need to know about Paid Family Medical Leave ,”](#) Massachusetts Lawyers Weekly Webinar, November 10, 2020
- [“Title IX Final Regulations Explained ,”](#) Bowditch & Dewey Webinar, May 21, 2020
- [“HR Strategy: Contingency Planning During COVID-19,”](#) Worcester Business Journal Webinar, April 30, 2020
- [“Labor & Employment Issues in M&A,”](#) MSI Global Alliance 2020 Americas Regional Conference, Miami, Florida, January 24-26, 2020
- [11th Annual Employment Law Update](#), Bowditch & Dewey, Worcester/Framingham, Massachusetts, January 2020
- Webinar, [“Massachusetts Employment Issues for Foreign Employers ,”](#) ACTION Innovation Network, September 17, 2019
- [“Paid Family Medical Leave Act: New Regulations Explained ,”](#) Bowditch & Dewey, Worcester/Framingham, Massachusetts, April 2019
- Operations, [“Start Me Up Legal Conference ,”](#) Worcester Regional Chamber of Commerce and Bowditch & Dewey, Worcester, Massachusetts, March 27, 2019
- [10th Annual Federal and State Employment Law Update](#) , Bowditch & Dewey, Worcester/Framingham/Springfield, Massachusetts, January 2019
- [“Are You Ready for the New Massachusetts Family Leave Statue? ”](#) Bowditch & Dewey, Worcester, Massachusetts, December 5, 2018
- [“Wage & Hour Issues on Campus ,”](#) Bowditch & Dewey, South Hadley/Worcester, Massachusetts, May 2 & 4, 2018
- [9th Annual Federal and State Employment Law Update](#) , Bowditch & Dewey, Worcester/Framingham/Springfield, Massachusetts, January/February 2018
- [“Social Media in the Workplace – Keeping Up With Evolving Issues ,”](#) Bowditch & Dewey, Worcester/Waltham/Springfield, Massachusetts, September 2017
- [“Drugs & Alcohol On Campus: Protecting the University 2017 ,”](#) Bowditch & Dewey College and University Roundtable, Worcester/South Hadley, Massachusetts, May 2017
- [“FLSA On Campus: What You Need To Do Before December 1, 2016 ,”](#) Bowditch & Dewey College and University Roundtable, Worcester/South Hadley, Massachusetts, October/November 2016
- [“FLSA Changes Are Coming – What You Should Do Now to Prepare ,”](#) Bowditch & Dewey Breakfast @ Bowditch series, Worcester/South Hadley/Newton, Massachusetts, June 2016
- [“Study Abroad Programs: Your Legal Responsibilities and Obligations ,”](#) Bowditch & Dewey College and University Roundtable, Worcester/South Hadley, Massachusetts, April 2016
- [“Who Are You? Worker Classification: Guidance on Independent Contractors, Interns & Volunteers, and Preparing for the New Wage & Hour Regulations,”](#) Bowditch & Dewey, Worcester/Newton/South Hadley, Massachusetts,

October/November 2015

- “Title IX, VAWA & The Employment Relationship: Employee and Faculty Rights, Obligations, and Responsibilities,” Bowditch & Dewey, Worcester/South Hadley, Massachusetts, September/October 2015
- “Finding and Retaining Manufacturing Talent,” Smaller Business Association of New England Advanced Manufacturing Committee Forum, Marlborough, Massachusetts, March 3, 2015
- “6th Annual Federal and State Employment Law Update,” Bowditch & Dewey, Newton/South Hadley, Massachusetts, January/February 2015
- “The Campus SaVE Act,” Bowditch & Dewey College and University Roundtable Series, Worcester/South Hadley, Massachusetts, September 2014
- “Learn How to Create an Effective Internship Program,” Worcester Regional Chamber of Commerce, Worcester, Massachusetts, June 16, 2014
- “Affirmative Action,” Bowditch & Dewey College and University Roundtable, Worcester/South Hadley, Massachusetts, November 2013
- “The Perils and Pitfalls of Wage and Hour Laws,” Bowditch & Dewey, Worcester/South Hadley, Massachusetts, December 2011

BAR ADMISSIONS

- Massachusetts

EDUCATION

- J.D., *magna cum laude*, Suffolk University Law School
- Masters Degree, Clark University
- B.S., *magna cum laude*, Salem State University