

PARTNER

# Robert G. Young

T. 508-879-5700 E. ryoung@bowditch.com



## OVERVIEW

Bob Young is an experienced advisor and trial lawyer, helping clients navigate complex labor and employment issues and defending employers facing claims in the state and federal courts of Massachusetts and before administrative agencies. Bob regularly represents businesses, municipalities, educational institutions and nonprofit organizations of all sizes, as well as high-level executives, in high-exposure claims and disputes involving discrimination and retaliation, non-competition, trade secrets, wage-and-hour and other complex, constantly evolving employment-related issues.

Clients also turn to Bob for practical, down-to-earth advice outside of the courtroom. For example, he counsels clients regarding the negotiation of agreements, medical leaves and accommodation requests, as well as on employee discipline and termination matters. In addition, he conducts internal investigations on behalf of clients when employers face alleged harassment, whistleblower and other employee claims. “My goal in advising clients,” as Bob describes it, “is to find reliable, big-picture solutions that remove obstacles and allow the focus to return to where it belongs: the business.”

Bob represents several national companies, including those in the telecomm, commercial construction and healthcare sectors, as well as regional banks and financial institutions, higher education institutions, private schools and manufacturers. Bob also heads up the firm’s [Craft Brewers](#) industry group, coordinating a team of Bowditch attorneys to provide brewers at all stages of development – from brewers-in-planning to long-established businesses – with advice and counsel on a range of issues, from real estate to intellectual property to corporate formation and development and (of course) employment issues.

## Besides work

Bob plays golf...poorly, he admits. He’s also a big New York Jets fan, having grown up in New Jersey a few minutes from the Meadowlands. “I’ve also been known to research the craft beer market in my spare time.”

## EXPERIENCE

### An alternative to litigation in a non-competition case

To its chagrin, Bob’s client – a construction design/build company – received a cease and desist letter after hiring a competitor’s former employee. Bob investigated, reviewing the individual’s non-compete clause and developing an argument why it was unenforceable in this instance. “I worked with my client to find a practical solution that would

allow the client to move its business forward.” Bob negotiated an agreement with the competing company that restricted the new employee from certain, limited projects for a short period of time, which helped the client to devote its full energy toward driving growth in its business rather than getting bogged down in litigation.

## Keeping control of the outcome in a discrimination claim

A client was facing a discrimination charge from an employee, alleging that the company – a major corporation – had failed to accommodate his disability with light duty after he was injured on the job. The case was being handled as an administrative action by a state agency, and a hearing had been scheduled. “We prepared at full speed and we were ready for trial. That preparation allowed me to have frank discussions with the plaintiff’s lawyer as part of the ongoing efforts to resolve the case.” The negotiations progressed, and the parties reached a favorable settlement on the eve of the hearing. “In this way, my client and I kept our eye on the bigger picture, and my client retained control of the outcome.”

## OTHER EXPERIENCE

Bob has worked with many of his clients for years. “I take pride in knowing my clients and their labor and employment issues first hand, whether executives, HR personnel or front-line managers.” What follows is a list of representative clients and matters that Bob has handled.

### Discrimination and retaliation

- Complete defense verdict on behalf of a Fortune 500 company in a federal jury trial brought by a former manager alleging retaliation (the underlying race discrimination claims had been dismissed on summary judgment). The plaintiff asserted two counts: retaliatory hostile work environment and retaliatory termination, and he was seeking damages in excess of \$2 million. After a one-week trial, the jury deliberated for four hours and returned a complete defense verdict on both counts.
- Summary judgment for a Fortune 500 company against an employee alleging age discrimination, breach of contract and defamation in connection with his termination.
- Summary judgment, affirmed on appeal, for a publicly-traded company against an employee alleging age discrimination.

### Non-compete

- Secured a preliminary injunction on behalf of a medical technology company to uphold the terms of a non-competition agreement executed between the company and one of its sales representatives, and to protect the company’s trade secrets and other confidential business information.

### Wage and Hour compliance

- Assisted in the litigation and briefing of an issue of first impression in Massachusetts concerning the interpretation of the Sunday pay requirements of the Massachusetts Blue Laws and the state overtime law, resulting in a favorable result for the client. The case is *Swift v. AutoZone, Inc.*, 441 Mass. 443 (2004).

### Employer counseling

- Conducted a high-level internal investigation involving allegations of gender discrimination brought forward by a high-level executive in a large hospital system, resulting in an amicable parting with no claims asserted against the hospital system.
- Counseled banking client through complex FMLA leave/ADA accommodation questions for an employee on an extended leave of absence.

- Negotiated severance agreement for high-level executive at a financial services company, using the leverage of the individual's allegations of company wrongdoing to secure additional benefits while counseling the client about the time, expense and uncertain outcome of litigation to maintain expectations.

## Employment contracts

- Secured the dismissal, affirmed on appeal, of a complaint brought by a former consultant alleging breach of contract and violation of G.L. c. 93A in connection with stock options that had expired before the consultant attempted to exercise them.

## AFFILIATIONS

- Member, Massachusetts Bar Association
- Member, Boston Bar Association

## ARTICLES & TALKS

### ARTICLES

- [“Federal Court Blocks New FLSA Regulations,”](#) Bowditch & Dewey, November 23, 2016
- [“How to Respond to Employee Requests for Accommodation,”](#) New England In-House, May 2015
- [“Employment Issues for Growing Brewers,”](#) Brewers Association's The New Brewer, January/February 2015
- [“Six Employment Law Tips for Growing Craft Breweries,”](#) Craft Brewing Business, November 4, 2014
- [“How Employers Can Minimize Their Risks When Executives Jump Ship,”](#) Bowditch & Dewey, July 30 2014

### TALKS

- [“Sexual Harassment in the Workplace: What it Means for Nonprofits in the Wake of Weinstein,”](#) Greater Worcester Community Foundation, Bowditch & Dewey, Worcester, MA, September 27, 2018
- [“Growing Your Business Safely & Securely in 2018,”](#) Supporting Strategies' Business Fundamentals Bootcamp, Worcester, MA, September 20, 2018
- [“Massachusetts Non-Competes: Alive, Dead, or on Life Support?,”](#) Bowditch & Dewey, Framingham, Massachusetts (April 3, 2018) & Worcester, Massachusetts (April 6, 2018)
- [“9th Annual Federal and State Employment Law Update,”](#) Bowditch & Dewey, Worcester/Framingham/Springfield, Massachusetts, January/February 2018
- [“#MeToo? #NotHere! Confronting Sexual Harassment in the Workplace,”](#) Mass Brewers Guild's, Framingham, Massachusetts, December 4, 2017
- [“So, What Do We Do Now? Title IX in the Time of Trump,”](#) Bowditch & Dewey, Worcester/South Hadley, Massachusetts, October/November 2017
- [“Competition or Career Building: The Massachusetts Non-Compete Law and the Barrier to the Start-Up Community,”](#) Worcester Regional Chamber of Commerce's Game Changers Business Conference & Expo, Worcester, Massachusetts, October 20, 2017
- [“Massachusetts Employment Law Basics,”](#) Massachusetts Brewers Guild New Brewery Bootcamp, Framingham, Massachusetts, July 24, 2017

- “[Managing Student, Faculty and Staff Mental Health Disabilities](#),” Bowditch & Dewey College and University Roundtable, Worcester/South Hadley, Massachusetts, March 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
- “[What’s Brewing With Craft Beer Entrepreneurs](#),” Bowditch & Dewey/The Venture Forum, Worcester, Massachusetts, October 19, 2016
- “[FLSA Changes Are Coming – What You Should Do Now to Prepare](#),” Bowditch & Dewey Breakfast @ Bowditch series, Worcester/South Hadley, Massachusetts, June 2016
- “[Changes in the Overtime Law and What it Means for Your Business](#),” MetroWest Chamber of Commerce, Framingham, Massachusetts, June 7, 2016
- “[Say Anything? Tips and Strategies for Addressing Student and Employee Speech on Campus and Online](#),” Bowditch & Dewey, Worcester/South Hadley, Massachusetts, March 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
- “How to Conduct an Effective Internal Investigation, and Common Mistakes to Avoid Along the Way,” Bowditch & Dewey, Worcester/Boston/South Hadley, Massachusetts, April/May 2015
- “Leaves and Accommodations for Employees and Students,” Bowditch & Dewey College and University Roundtable, Worcester/South Hadley, Massachusetts, October 2014

## BAR ADMISSIONS

- Massachusetts
- U.S. Court of Appeals, First Circuit
- Federal District Court, District of Massachusetts

## EDUCATION

- J.D., *magna cum laude*, Boston University School of Law
- B.A., *magna cum laude*, Boston University