Carolyn Marcotte Crowley

She | Her | Hers

Partner

Boston

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Education

- Suffolk University Law School, *Cum Laude*, JD
- Rollins College, *Cum Laude*, BA

Practices & Industries

- Commercial Litigation & Complex Trials
- Labor & Employment
- Mass & Toxic Torts
- Higher Education

Admitted to Practice

- Massachusetts
- New York

Court Admissions

- US Court of Appeals for the First Circuit
- US Court of Appeals for the Second Circuit
- US District Court for the District of Massachusetts
- US District Court for the Northern District of New York

Biography

Carolyn serves as Barclay Damon's Commercial Litigation & Complex Trials Practice Area co-chair.

Carolyn advises a wide array of employer clients, including in the automotive, higher education, biotechnology, health care, consulting services, manufacturing, and hospitality services industries, on myriad employment issues, including allegations of discrimination, harassment, and other claims of wrongful conduct. She has extensive experience working with clients in investigating claims of discrimination and harassment and in responding to employee misconduct, including violations of employment agreements; restrictive covenants, including noncompetition and nonsolicitation agreements; and misappropriation of confidential information and trade secrets.

She also advises companies in connection with local, state, and federal laws applicable to the employment relationship, including all matters relating to the payment of wages and overtime, affirmative action, leaves of absence, medical, drug and alcohol testing, and privacy, to name a few. She counsels clients on ways to avoid litigation as well as pre-litigation strategy to best achieve their business goals.

Carolyn is also an experienced litigator who serves as trial counsel in defending employers in discrimination, harassment, retaliation, wage-and-hour and overtime, wrongful discharge, and other employment-related lawsuits as well as in litigating noncompetition, nonsolicitation, and confidentiality disputes. She has been counsel in class-action lawsuits involving claims for overtime and other statutory compensation.

In addition, Carolyn has a proven track record of handling complex matters pertaining to business-related disputes, unfair trade practices, and contract disputes. Carolyn is often retained by insurers to defend clients in various tort actions, including products-liability, personal-injury, and property-damage cases.

Carolyn serves as one of the firm's HATCH program coordinators.

Bar Associations

- Boston Bar Association, Member, 2019 Employment Law Conference Advisory Committee Member, and Former Law Day Steering Committee Member
- Massachusetts Bar Association

Selected Memberships & Affiliations

- Barclay Damon’s Women’s Forum

Representative Experience

Employment

- Represented a major university in an arbitration involving a former professor's grievance that his notice of non-renewal was untimely and that he was entitled to another three-year contract. After nearly a four-day arbitration, we successfully obtained an arbitration award in favor of the university denying the former professor's grievance.
- Represented a university in connection with age discrimination and related state-law claims brought by a former professor. Obtained a dismissal of the claims, which was affirmed by the First Circuit.
- Obtained dismissal of whistleblower and wrongful termination claims on behalf of a national amenities service provider in Ohio State Court.
- Provides ongoing employment-related advice to a wide range of industries, including automotive biotechnology, health care, consulting services, manufacturing, and hospitality services.
- Litigated discrimination claims resulting in the case being dismissed.
- Litigated wage-and-hour claims and settled after mediation.
- Represented the defendant in a defamation case brought against them for posting a "lookbook" to their website that included the plaintiff's name and photo. After discovery, including several depositions and various discovery motions, and denial of the plaintiff’s motion to amend complaint and reconsideration motion, the court granted the defendant's summary judgment motion dismissing the lawsuit.

Litigation

- Represented a national point-of-payment company in connection with several complaints filed at the Massachusetts Commission Against Discrimination by individual blind

persons and the National Federation of the Blind alleging discriminatory conduct arising from a claimed lack of access to credit-card payment systems in taxis. Assisted the client in negotiating a favorable resolution of the matter and the dismissal of all existing claims.

- Obtained summary judgment and affirmed on appeal on behalf of an international consumer-products company dismissing a multi-million dollar breach-of-contract action in Pennsylvania State Court.
- Defended a health care company and sales executive in the Southern District of New York with respect to wide-ranging noncompetition and trade-secret issues.
- Advised a local not-for-profit social-services organization regarding real estate tax abatement and exemption issues.
- Counseled on a US Department of Labor investigation relating to the prudence of a profit-sharing plan's investments.
- First-chaired a pro bono civil-rights jury trial in the Northern District of New York.
- Represented a privately held investment advisor with respect to investigations conducted by the US Securities Exchange Commission, the USDOL, the US Department of Justice, and the NYS Attorney General.
- Represented a privately held investment advisor in numerous lawsuits consolidated in the Southern District of New York arising out of a major Ponzi scheme.
- Successfully represented a national media company in a news aggregation copyright and trademark-infringement case.
- Represented an advanced technology company and its board of directors sued in federal court by a private equity firm after the company declined to proceed with a proposed sale of its assets. After intensive litigation, all claims asserted against the defendants were dismissed on summary judgment.
- Represented a life insurance company in an interpleader action brought to resolve competing beneficiary claims.
- Represented a regional newspaper in a successful effort to gain public access to civil recommitment proceedings involving an individual who had been found not guilty of murder by reason of mental illness.
- Successfully represented a national broad-line food service distributor in breach of contract and unfair trade practices litigation with a group purchasing organization.
- Represented a major national point-of-sale hardware and solutions provider in a trade-secret action brought to address the misappropriation of the clients' confidential proprietary formation by former employees.
- Obtained preliminary injunctive relief to recover the information taken and later obtained permanent injunctive relief and damages.

- Represented a national high-tech services provider in wage-and-hour class-action litigation brought by computer service technicians.
- Represented a regional newspaper in a successful effort to gain public access to court filings and a hearing on a temporary abuse restraining order against a deputy chief of police.
- Represented an insurance entity association in complex breach of contract and fiduciary duty litigation against a national insurance-services firm.
- Represented two reporters of a regional newspaper who were issued subpoenas to testify at trial and reveal confidential sources, which they ultimately were not required to disclose.
- Litigated securities class action and ERISA claims against investment advisor to pension and benefit funds arising out of the Madoff Ponzi scheme.
- Represented a private university in connection with age discrimination and related state law claims brought by a former professor. The district court dismissed the claims, and the First Circuit affirmed. In its summary affirmance, the First Circuit agreed that the plaintiff's wrongful termination claims were time barred. The First Circuit also found that the plaintiff failed to demonstrate error as to the district court's conclusion that any failure-to-hire claim had not been properly exhausted and failed to state a plausible claim of retaliation. The court further affirmed dismissal of the state law claims on the grounds that they should not be discretionarily entertained and for the appellant's failure to establish the requisite amount in controversy.
- Litigated noncompete claims and won court injunction in favor of a client.
- Represented a defendant who was accused of making defamatory statements against the plaintiff.
- Litigated wrongful termination and whistleblower claims resulting in the case being dismissed.
- Litigated EEOC claims of sexual harassment resulting in the case being withdrawn.
- Litigated discrimination claims resulting in the case being dismissed.
- Represented a defendant accused of a contract dispute and accused of making libel/defamatory statements against the plaintiff.
- Litigated non-compete and restrictive covenant claims and settled the case.
- Defended a doctor and his practice against a breach of fiduciary duty case arising from their self-dealing and misconduct with respect to the management of two of their businesses.
- Obtained summary judgment, which was affirmed on appeal, in favor of a multinational consumer goods company

defending breach of contract and lost profit claims by the distributor for alleged failure to completely fill certain purchase orders.

- Litigated Equal Employment Opportunity Commission claims of discrimination.
- Represented a national, multifamily hospital company in an Equal Employment Opportunity Commission discrimination action.
- Litigated Equal Employment Opportunity Commission claims of discrimination, which resulted in the case being dismissed.

Tort Actions

- Represented a mechanical subcontractor in multiparty litigation arising from the plaintiffs' claims that the defendants performed negligent work in the construction of a condominium development.
- Successfully obtained summary judgment for a manufacturing client in an asbestos matter.
- Successfully defended multiple products-liability claims against a large tool and equipment retailer.
- Successfully obtained dismissal of the complaint and denial of a motion for leave amend in a matter against a health services provider and individual administrator concerning an alleged delay of medical treatment where the complaint asserted claims under 42 USC 1983, Article 26 of the Massachusetts Declaration of Right, and the Massachusetts Tort Claim Act.

Prior Experience

- Hiscock & Barclay, LLP, Senior Associate
- Scibelli, Whiteley and Stanganelli, LLP, Associate
- Suffolk County District Attorney's Office, Certified Student Prosecutor
- Department of Industrial Accidents, Workers' Compensation Trust Fund, Clerk
- Division of Administrative Law Appeals, Commonwealth of Massachusetts, Clerk

Selected Honors

- *The Best Lawyers in America*®: Litigation – Labor and Employment, 2022–2026
- *Massachusetts Lawyers Weekly*, Go To Commercial/Consumer Lawyer, 2025
- *Boston* Magazine, Top Lawyers List, 2023
- Boston Bar Association, President's Award, 2014

Selected Speaking Engagements

- Boston Bar Association Law Day in the Schools Program, "Free Speech, Free Press, Free Society"
- Barclay Damon, "2019 Updates: MA Paid Family Medical Leave Law and NY Paid Family Leave Act" Webinar
- Barclay Damon, “Restrictive Covenants and Noncompetition Law Developments: Are Noncompetition Agreements Still Enforceable?” Webinar

Selected Media

- *Massachusetts Lawyers Weekly*, "New Pay Transparency Law Seen as Kinder Than Analogs Elsewhere"

Selected Alerts & Blog Posts

- The Current State of Connecticut's Pay Transparency Law
- Key Changes in DEI Policies Under Trump Administration Executive Orders
- Department of Labor FLSA Salary Increases Vacated by District Court Judge
- Update on Massachusetts Pay Transparency Law Disclosures and EEO Reporting Requirements in 2025
- Massachusetts Employers Required to Provide Job Applicants Notice That Use of a Lie Detector Test Is Unlawful

Selected Podcasts

- *Barclay Damon Live: Labor & Employment Podcast*— "Dealing With MA Commission Against Discrimination Claims, Part 2," With Carolyn Marcotte Crowley
- *Barclay Damon Live: Labor & Employment Podcast*— "Dealing With MA Commission Against Discrimination Claims, Part 1," With Carolyn Marcotte Crowley