

# Daniel S. Field

Of Counsel

E [dfield@morganbrown.com](mailto:dfield@morganbrown.com)

P (617) 788-5016

F (617) 367-3125



## Overview

Dan Field represents employers in a variety of labor and employment matters. As a litigator, Dan defends clients against virtually all kinds of employment disputes, with a particular focus on wage and hour class and collective action lawsuits, as well as government audits. Businesses also hire Dan to handle litigation involving claims of discrimination, sexual harassment, trade secret violations, torts and breach of contract. An experienced trial attorney, Dan has served as lead counsel in numerous jury trials.

As the former Chief of the Massachusetts Attorney General's Fair Labor Division, which is Massachusetts' principal labor law enforcement authority, Dan's responsibilities included overseeing the enforcement of Massachusetts' wage and hour and prevailing wage laws. He represented the Attorney General before the legislature and prepared legislation on labor standards, as well as regulatory guidelines. Working with the United States Department of Labor, he prosecuted multiple civil and criminal cases involving overtime, pension-benefit and tax violations as well as insurance fraud. He also previously served as an assistant district attorney with the Middlesex District Attorney.

Dan has extensive experience advocating for and defending his clients. A sampling of his recent work includes:

- Obtained affirmance of dismissal of wage lawsuit before Massachusetts Supreme Judicial Court in *Melia v. Zenhire, Inc.* 462 Mass. 164 (2012), which established the standard for forum selection clauses in Massachusetts Wage Act cases.
- Obtained summary judgment for defendant on all counts, including claims alleging disability

discrimination under the Americans With Disabilities Act and related claims in *Fiumara v. President & Fellows of Harvard College*, 526 F.Supp.2d 150 (D. Mass. 2007)

- As co-counsel for consultant client, obtained affirmance of summary judgment in U.S. Court of Appeals for First Circuit based on FLSA highly-compensated exemption in *Litz v. Saint Consulting Group*, 772 F. 3d 1 (1<sup>st</sup> 2014)
- *McCord v. Commonwealth*, CA 96-0828 (Suffolk Superior Court) (defense jury verdict)
- *Babcock v. City of Newton* CA 07 -2389 (Middlesex Sup. Ct.) (summary judgment for defense)
- *Dukov v. Prince Telecom, LLC et al*, CA No. 09-CV-05498, (U.S. Dist. Ct. E.D. N. Y.) (obtained dismissal of case in its entirety by class plaintiffs)
- Obtained partial dismissal in U.S. District Court of Massachusetts disposing of substantial wage hour claims on behalf of national hospitality corporation involving employee gift card program.
- Achieved favorable resolution of large tip-pooling class action claims against restaurant group.

### **The Personal Perspective**

Dan has drafted articles for several industry-g geared publications. In addition, he is a chapter co-author for Wage and Hour Laws, A State-By-State Survey (BNA 2011 & Supp. 2018), contributes to the ABA's annual Fair Labor Standards Act FLSL Committee Report (2006-2019) and is a chapter co-author for MCLE's Drafting Employment Documents in Massachusetts (2018).

### **Awards & Recognition**

- Super Lawyers, Employment & Labor, 2011 – present
- Best Lawyers, Employment Law – Management

### **News & Publications**

- Morgan, Brown & Joy's Catherine Scott to Present at MCLE Webinar, "Social Media Through the Employment Law Lens"
- Morgan, Brown & Joy's Keith H. McCown Receives Cushing-Gavin Award for Exemplary Service to Labor Management Efforts in Massachusetts
- Morgan, Brown & Joy Mourns the Loss of Longtime Partner Nathan L. Kaitz
- For 11th Consecutive Year, Morgan, Brown & Joy Receives Top-Tier Ranking in U.S. News – Best Lawyers "Best Law Firms" Survey
- Morgan, Brown & Joy Attorney Nicholas DiGiovanni to Present "Update on Union Organizing in Higher Education" at AAPA Annual Conference
- Morgan, Brown & Joy Announces 22 Attorneys Recognized by 2021 Massachusetts Super Lawyers

## **Memberships**

- American Bar Association, Federal Labor Standards Legislation Committee (2008-present)
- Boston Bar Association, Labor and Employment Section (Steering Committee Member 2005-2010, 2017-2018)
- Massachusetts Bar Association, Labor and Employment (Section Council 2014-2015)

## **Bar Admissions**

- Massachusetts
- Pennsylvania (inactive)

## **Court Admissions**

- United States District Court, Massachusetts
- United States District Court, Northern District of Illinois
- United States Court of Appeals for the 1st Circuit

## **Education**

- Boston University School of Law, Hennessey Scholar and Articles Editor for the Boston University Probate Law Journal
- Temple University, magna cum laude