

Melissa L. McDonagh

Shareholder
Co-Chair, Unfair Competition and Trade
Secrets Practice Group

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Focus Areas

Unfair Competition and Trade Secrets
Wage and Hour
Business Restructuring and M&A
Discrimination and Harassment
Emerging Companies and Venture Capital

Overview

Melissa L. McDonagh partners with employers to protect and grow their businesses, providing practical, forward-thinking advice on policies, contracts, and practices to safeguard intellectual property, retain valuable employees and mitigate litigation risk. She advises businesses of all sizes, from start-ups to large businesses, on issues impacting the entire employment cycle (including recruiting, hiring, leaves of absence, retention, discipline, and separation), tailoring her advice to the best approach for the business. Melissa's counseling and litigation experience also enables her to formulate effective strategies for addressing the broad array of complex issues involved with mergers, acquisitions, reductions in force, business re-organization and shutdowns.

Melissa is co-chair of Littler's Unfair Competition and Trade Secret Practice Group. To protect valuable company assets, Melissa works with employers to formulate effective restrictive covenant programs and to draft multistate compliant restrictive covenant agreements to fit the company's unique needs. Melissa also routinely represents employers around the country in disputes involving noncompete, nonsolicit, trade secret and other unfair competition claims.

Melissa has extensive experience litigating on behalf of employers in single plaintiff and class and collective actions involving business competition, wage and hour law, whistleblower retaliation, failure to accommodate, and wrongful

termination. Early on in litigation, Melissa implements a plan of action based on a big picture strategy driven to achieve a company's business goals.

Prior to joining Littler, Melissa practiced at a Chicago-based litigation firm where she represented a number of businesses, hospitals, and healthcare corporations involved in complex litigation.

Professional and Community Affiliations

- Member, Board of Directors, Casa Myrna, 2018-present
- Co-Chair, Community Outreach Committee, Women's Bar Association of Illinois, 2013-2014
- Co-Chair, Young Lawyers Committee, Women's Bar Association of Illinois, 2012-2013
- Member, Associate Board of Directors, Gilda's Club, 2005-2012

Recognition

- Named, Emerging Lawyer, *Illinois Leading Lawyers*, 2015
- Named, Rising Star, Illinois, *Super Lawyers*, 2013 and 2014
- Recipient, White Inker & Aronson Award, *Boston College Law School*, 2004

Education

J.D., Boston College Law School, 2004

B.A., Boston College, 2001, *cum laude*

Bar Admissions

Massachusetts

Illinois

Courts

U.S. Court of Appeals, 1st Circuit

U.S. Court of Appeals, 7th Circuit

U.S. District Court, District of Massachusetts

U.S. District Court, Northern District of Illinois

Publications & Press

Experts Weigh in on Implications of Failed FTC Non-Compete Ban

Thomson Reuters

September 5, 2024

Judge Issues Nationwide Injunction on FTC Noncompete Final Rule

WorldatWork

August 21, 2024

Texas Court Sets Aside the FTC's Non-Compete Rule with Nationwide Effect

Littler ASAP

August 21, 2024

Senior living industry celebrates decision overruling FTC's noncompete ban

McKnights Senior Living

August 21, 2024

Employers Expect Increased Regulatory Enforcement Amid Legislative Slowdown in Election Year, Littler Survey Finds

Littler Press Release

May 8, 2024

The Littler Annual Employer Survey 2024

Littler Report

May 8, 2024

Non-compete agreements – are employers already making their own minds up?

TLNT

April 29, 2024

FTC Noncompete Ban: Employers' Next Steps

SHRM Online

April 29, 2024

FTC Issues Final Rule Effectively Banning Workplace Non-Compete Agreements

Littler Insight

April 23, 2024

What to know about the FTC ban on noncompete agreements

The Hill

April 23, 2024

FTC Bans Most New Noncompete Agreements Nationwide

SHRM Online

April 23, 2024

The year in unfair competition and trade secrets: 2023 developments and what is on the horizon for 2024

Westlaw Today

January 23, 2024

The Year in Unfair Competition and Trade Secrets: 2023 Developments and What Is on the Horizon for 2024

Littler Insight

December 20, 2023

NLRB General Counsel Targets Non-Solicitation Agreements as well as Non-Competes

Littler ASAP

September 15, 2023

NLRB General Counsel Abruzzo Targets Employee Non-Competes under NLRA

Littler ASAP

June 1, 2023

An Overview of the Employment Law Issues Posed by Generative AI in the Workplace

Littler Report

May 11, 2023

As battle over noncompete ban heats up, here's what employers should be doing

American City Business Journals

March 1, 2023

FTC's Proposed Noncompete Ban Is 'A Wake-Up Call' For GCs

Law360 Pulse

January 24, 2023

6 Things Cos. Should Do Following FTC Noncompete Proposal

Law360

January 12, 2023

How employers should respond after the FTC's noncompete ban

The Business Journals

January 10, 2023

FTC Proposes Rule Banning Non-Competes

Littler Insight

January 5, 2023

Annual Report on EEOC Developments – Fiscal Year 2021

Littler Report

April 26, 2022

Massachusetts High Court Expands Employer Liability for Late Payment of Wages

Littler Insight

April 7, 2022

“B Together” – Boston’s New Vaccination Mandate

Littler ASAP

December 22, 2021

The Trend Continues: Illinois Imposes Additional Prerequisites and Restrictions on Employers’ Use of Restrictive Covenants

Littler Insight

August 18, 2021

President Biden Seeks to Regulate (and Potentially Ban) Non-Competes

Littler ASAP

July 9, 2021

Annual Report on EEOC Developments – Fiscal Year 2020

Littler Report

March 1, 2021

Workforce Reductions and Statistics: A Primer and Recommendations

Littler Report

December 15, 2020

Littler Appoints New Practice and Industry Group Chairs

Littler Press Release

October 14, 2020

Massachusetts Releases Four-Phase Reopening Plan

Littler Insight

May 19, 2020

Massachusetts Stay-at-Home Advisory Effective March 24

Littler ASAP

March 23, 2020

Annual Report on EEOC Developments – Fiscal Year 2019

Littler Report

March 5, 2020

Maine and New Hampshire Join the Ranks of States Restricting Use of Noncompete Agreements – with Rhode Island on the Cusp

Littler ASAP

July 15, 2019

Labor and Employment Issues Facing the Healthcare Industry

Littler Report

July 11, 2019

Unfair Competition: What Happened in 2018, and What's in Store for 2019

Littler Insight

February 8, 2019

Annual Report on EEOC Developments – Fiscal Year 2018

Littler Report

January 28, 2019

Littler Elevates 28 Attorneys

Littler Press Release

January 2, 2019

Calif. Court Limits Use of Employee Nonsolicitation Agreements

SHRM Online

November 21, 2018

The Other Shoe Drops: Court of Appeal Decision Narrows Use of Employee Non-Solicitation Provisions in California

Littler Insight

November 16, 2018

Frequently Asked Questions About the New Massachusetts Noncompetition Agreement Act

Littler Insight

September 5, 2018

Massachusetts Legislature Passes Comprehensive Noncompete Reform

Littler ASAP

August 2, 2018

Annual Report on EEOC Developments — Fiscal Year 2017

Littler Report

February 27, 2018

Annual Report on EEOC Developments – Fiscal Year 2016

Littler Report

February 27, 2017

Illinois Expands Employment Rights to Domestic Workers

SHRM Online

September 27, 2016

Illinois Becomes Seventh State to Expand Employment Rights to Domestic Workers

Littler Insight

September 23, 2016

Non-Competes to Stay in Massachusetts...For Now

Littler ASAP

August 1, 2016

Labor & Employment Issues Facing the Healthcare Industry

Littler Report

April 12, 2016

Annual Report on EEOC Developments – Fiscal Year 2015

Littler Report

January 12, 2016

Federal Court Split on Consideration Needed to Enforce a Restrictive Covenant in Illinois Remains Unresolved

Littler Insight

July 16, 2015

Northern District of Illinois Grants Employer Summary Judgment in "Dual Jobs" Tip Credit Case

Littler ASAP

February 2, 2015

Annual Report on EEOC Developments - Fiscal Year 2014

Littler Report

January 5, 2015

7th Circuit Confirms Dismissal of Pharmacy Kickback Suit But Allows Whistleblower Retaliation Claim to Proceed

Littler ASAP

December 12, 2014

DOJ Demonstrates Continued Focus on FCA Claims against Healthcare Entities

Littler ASAP

August 28, 2014

Nurse Unions Continue to Push for Nurse-Patient Ratio Legislation

Littler ASAP

February 20, 2014

Challenges and Best Practices for Home Care Employers Following the Elimination of the Companionship Exemption

Littler Report

November 7, 2013

Department of Labor Eliminates the Minimum Wage and Overtime Exemption for Most Home Care Aides

Littler Insight

September 25, 2013

Minnesota Court of Appeals Holds Hospital May Unilaterally Amend Bylaws

Littler ASAP

September 23, 2013

Michigan Hospital Worker Who Walked Off Job Allowed to Pursue FMLA and ADA Claims

Littler ASAP

July 18, 2013

Speaking Engagements

Considerations for Compliance with FTC Noncompete Rule

August 8, 2024

Strategies for Separating Employees: Tackling Release Agreements, Restrictive Covenants and Trade Secret Protection in a Time of Legal Change

Littler Executive Employer Conference, Phoenix, AZ

May 8, 2024

Everything You Need to Know About the FTC's Final Rule on Noncompetes in 30 Minutes

April 25, 2024

Restrictive Covenants and Trade Secrets: What's in Store for 2024?

January 25, 2024

Are You in Compliance? Making Sense of Recent Changes to Federal and Massachusetts Employment Law

June 15, 2023

Are Restrictive Covenants and Trade Secrets in Jeopardy? Updates and a Practical Plan for the Future

Littler Executive Employer Conference, Phoenix, AZ

May 11, 2023

COVID Vaccine Considerations for Massachusetts Employers

February 24, 2021

Return to Work in Massachusetts – Managing the Next Phase of the Pandemic

May 13, 2020

Coveting Covenants: A Deep Dive into Noncompetes – Their Risks and Rewards

2019 New England Employer Conference, Newton, MA

September 27, 2019

Paid Family and Medical Leave, Marijuana, and Other Hot Topics For Massachusetts Employers

Boston, MA

April 11, 2019

Legal Update

New England Employer Conference

November 8, 2018

Navigating Uncharted Waters: The New Massachusetts Noncompetition Law

September 17, 2018

Navigating Non-Competes: Risks, Rewards and Innovation

December 2017

Illinois Employment Law Update

October 22, 2014