

Massachusetts Appeals Court Affirms Summary Judgment in Favor of Pro Bono Client

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Mary Jo Johnson and Betsy Facher with the recent assistance of Elizabeth Rowe represented a *pro bono* client, Special Adoption Family Services, in a wrongful termination suit brought by a former employee under the public policy exception to the at-will employment rule. Special Adoption Family Services had been placing older and special needs children in adoptive homes for over 20 years when we took the case. They are now part of Communities For People, Inc. On June 26, 2001, the Massachusetts Appeals Court (Justices, Jacobs, Cypher and Grasso) affirmed summary judgment in favor of our client.

The plaintiff was an at-will employee whose employment was terminated allegedly for contacting outside agencies to report alleged "systemic deficiencies" within the organization before first exhausting internal channels. Although the employee claimed that she was concerned about potential harm to children and that her actions were taken in furtherance of her duties as a social worker, the Appeals Court found that her complaints to outside agencies only related to the internal policies and procedures of her employer. The court explained that such complaints are not sufficient generally to trigger the public policy exception, and the fact that the alleged complaints were about the care and protection of children did not accord her any special protection.