

Erika L. Todd

Partner

617 338 2825

etodd@sullivanlaw.com



Erika is a litigator and employment advisor.

Erika represents individual and institutional clients at each stage of the litigation process, from pre-suit negotiations to trial and appeal. She has argued before the U.S. Court of Appeals for the First Circuit and represented clients at the Supreme Court of the United States. Her litigation experience includes complex, commercial, art, and employment matters.

Erika advises both employers and individuals on employment and other workplace matters. She negotiates employment contracts and separation agreements, prepares incentive compensation plans and workplace policies, and guides clients on legal compliance issues. She collaborates closely with colleagues, particularly those in Sullivan's tax and corporate departments, to provide solutions from multiple angles.

When Erika helps clients to navigate workplace disputes and fraught separations, she uses her legal knowledge and experience to craft an appropriate strategy for the client's priorities and goals. An individual client commented, "I wanted to take the time to thank you once again for helping me manage this incredibly stressful event and helping me achieve such a positive outcome. I could not be more grateful. You are patient, strategic, incredibly knowledgeable and such a pleasure to work with." A corporate client wrote, about Erika and a Sullivan colleague, "We are very grateful for all your wisdom helping us go through this sad, emotional episode. We have ended it all on good terms with the employee in question, and we couldn't have done that without your amazing help, knowing we as a company would be safe."

Erika also serves as the co-chair of Sullivan's Women's Initiative.

She is a director of the Harvard Law School Association of Massachusetts, where she has led a mentoring program and coordinated other initiatives. Prior to joining the firm, Erika was an associate at a boutique litigation firm in Boston.

Education

- Harvard Law School (J.D.)
- University of Virginia (B.A., *High Distinction*)

Capabilities

- Art & Museum Law
- Complex Commercial & Financial Disputes
- Employment & Benefits
- Employment Counseling & Litigation
- Executive Compensation
- Litigation
- Permitting & Land Use

Bar & Court Admissions

- Massachusetts
- New York
- U.S. District Court, District of Massachusetts
- U.S. Court of Appeals for the First Circuit
- U.S. Court of Federal Claims
- U.S. Supreme Court

Professional Qualifications

- Boston Bar Association
- Director, Harvard Law School Association of Massachusetts

Awards & Honors

- "Rising Star," Massachusetts *Super Lawyers* (2020-2023)
- *Boston Magazine* Top Lawyers, Labor and Employment (2023-2025)
- *Boston Magazine* Top Lawyers, Civil Law Litigation (2022)
- Recommended by *The Legal 500 U.S.* (2025-2026)

Community Engagement

- Former Co-Chair Boston Ballet School, Boston Ballet Young Partners Council

Matters

Litigation

- Represented numerous institutional and individual clients at trial before various courts in Massachusetts, including the Business Litigation Session of the Superior Court and the Probate and Family Court. Most recently, Erika has presented evidence in trials before the U.S. District Court for the District of Massachusetts and in arbitration at the American Arbitration Association.
- Counsel to heirs of Holocaust victims in a suit for restitution of the Guelph Treasure, which was sold under duress in 1935 to agents of the Prussian government. The D.C. Circuit Court of Appeals upheld a ruling that the U.S. has jurisdiction over the German state museum in *Philipp v. F.R.G.*, 894 F.3d 406 (D.C. Cir. 2018). The U.S. Supreme Court granted certiorari in 2020; Erika was on the merits brief and assisted in preparation for argument (held in December of 2020).
- Defended real estate investment firm and its employee against allegations of wrongdoing, including of fraud, brought in the U.S. District Court (D. Mass.). Secured dismissal of all claims against clients at summary judgment. Briefed and argued case to the U.S. Court of Appeals for the First Circuit, which affirmed the dismissal.
- Represented a Massachusetts landowner in a breach of contract suit that a would-be real estate purchaser filed in Land Court. Achieved dismissal of the suit and an award of attorney's fees. When the purchaser appealed to the

Massachusetts Appeals Court, secured affirmation of judgment and additional attorney's fees.

- Represented members of the Berkshire Museum in litigation concerning a proposed sale of art to fund museum operations.
- Represented a former employee who alleged that her termination resulted from discrimination. Filed a complaint with the MCAD, conducted witness interviews, and obtained affidavits from supportive witnesses, leading to favorable settlement.
- Represented a staffing company in a trade secrets and non-competition case against several former employees who left to create a competing business. Secured a settlement, including an agreement for judgment, before the close of discovery.

Employment Counseling

- Prepare and negotiate contracts (including employment agreements, separation agreements, and confidentiality agreements).
- Counsel clients regarding employee conflicts, complaints, and terminations.
- Collaborate with employers on employee handbooks and workplace policies, including policies related to COVID-19.
- Lead trainings regarding workplace harassment and discrimination.
- Conduct due diligence in acquisitions to identify possible employment-related legal risks.