

Military service set the stage for Maine attorney's career in labor and employment law

By Silvia G...



At three critical junctures in attorney Pawel Binczyk's career, he has found himself in the midst of dramatic, large-scale change: The first influenced his election to go to law school; the second directed his decision to commission as a military officer; and the third is currently driving his passion for labor and employment law.

"Right now is an exciting time to be a labor and employment attorney," says Binczyk, who specializes in complex labor, employment and discrimination matters as an associate with The Bennett Law Firm, P.A., in Portland, Maine. "We're going through quite a bit of upheaval in the field. There have been several generational shifts that have come to the fore in the past couple of years."

One example of a seismic change that Binczyk gives is the opportunity to work from home that technology has afforded many employees, who increasingly expect their employer to accommodate remote work and flexible schedules.

"It's fundamentally changed the way people work," says Binczyk, "and employers need guidance on how to implement it."

Another example he points to is the rise of a generation of employees that is far more politically outspoken in the work environment than was perhaps common in the past. The introduction of social issues into the workplace has employers in need of experienced legal counsel to help navigate sensitive and potentially turbulent matters.



Pawel Binczyk and his wife Erin married in 2013. Their daughter Keira is 2 and their son Henryk is 4.

Binczyk also recognizes a resurgence underway in the American union movement, which he estimates some 20 years ago was at an all-time low in terms of popular support. Now, Binczyk has seen polls indicating as high as 75 percent of Generation Z members support unionization.

"You're seeing unionization sweep across industries that traditionally were thought to be immune from it," says Binczyk. "I think for a long time, traditional labor law had been regarded by many as an old archaic thing, and suddenly it's not just relevant, it's going to impact a lot of American employers."

As exciting a time for labor and employment attorneys as it may be, Binczyk did not initially set his aim on the field. In fact, practicing law wasn't an early consideration for him at all.

Binczyk's parents came to western Massachusetts from Poland in 1990 in the wake of the Polish Solidarity movement. While only around 5 years old at the time, he still remembers the family packing into the back of a small Polski Fiat to drive to the airport to leave Poland. He can recall flying over New York City when they arrived in the U.S. and being awestruck by the enormity of the skyline. In Poland, his mother, Irena, had been a pre-school teacher and his father, Waldemar, had been, at varying times, a grocer, welder, soldier, and truck driver. The small family was welcomed into a large community of Polish immigrants that helped them get settled into their new country. Eventually, though not without struggle, the Binczyks found their footing. Binczyk's mother became a dental assistant and his father started his own trucking, janitorial, and rubbish removal companies. Binczyk's younger brother Alex was born in 1993 and, like Binczyk, grew up finding his place in between two cultures.

"It was an interesting experience," says Binczyk. "It was America in the 1990s, which was kind of the Pax Americana. It was a great time to grow up, a great time to be a kid."

In high school, Binczyk became fascinated with computers and it appeared his future might lie in a technology field. For his final project in an independent physics class, he built a 20-foot-tall working trebuchet, which he used "to lay siege to the faculty parking lot."

He abandoned thoughts of a career in computers, however, when he found he didn't really enjoy the lack of human connection.

"I enjoyed the concepts and the mechanical machinery of it and how things interrelated and worked together on a conceptual level," he says.

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He eventually drifted away from computers and as he prepared to enter Amherst College, a mere 20 minutes from home, he began to consider pursuing a writing career of some sort. The first of his family to go to college, he had little idea what to expect or how to prepare. He took on multiple jobs to pay the bills, including building sets for the Amherst theater department, dishwashing, and janitorial work. He drove a truck for the nascent family business, making furniture deliveries throughout New England. He also freelanced as a feature writer for The Worcester Telegram, positioning himself for a possible career in journalism.

"My job was to find things that were going on in the community that were cool and paint it in a good light and made people optimistic about being there," he says.

He laughs as he recounts his crowning achievement at the paper: A front page story on the release of the final Harry Potter book.

At the same time, he was moonlighting at a law firm that was owned by the son of the dentist his mother worked for where he did a lot of legal writing. He began to entertain the prospect of going to law school, much to the dismay of his creative writing professors.

"I liked the practical aspect of the law," he says. "You're trying to solve a problem, using your persuasion and rhetoric often times to do so, and I loved that about it."

As he struggled with the choice of a career in journalism or the law, Binczyk sat down with his city desk editor at The Telegram and laid out his dilemma. The editor told him there was a job at the paper for Binczyk if he wanted one, but that he wasn't sure how much longer the industry was going to last. It was 2008 and the newspaper business was in the flux of change, battling to adapt to a new reality of readers — and ad revenue — migrating to the Internet.

In light of the upheaval, his editor suggested Binczyk go to law school. And Binczyk took the advice, relocating to Washington, D.C., to attend The Catholic University of America Columbus School of Law, where he planned to be a criminal attorney.

"I was a theater kid, I'd done a ton of theater and I wanted something that would put me in a courtroom all the time," says Binczyk.

Early on in law school, he interned with a Special Victims Unit in Prince George's County and with the U.S. Army. He later volunteered as a civilian in the military appellate courts, working with the Army's Defense Appellate Division. The military was reeling in those years from a fresh round of sexual assault scandals, including one that involved 43 female trainees at Lackland Air Force Base in Texas who were allegedly victimized by their instructors during basic training.

"The military justice system was going through this period of broad change," says Binczyk, who decided to commission as an officer as he approached the end of law school. "I saw it as a cool opportunity to be in uniform, which is always something that had appealed to me, but also to do really interesting cases very early on in my career."

When he graduated with his law degree, he unexpectedly had to wait 18 months for his basic training date, during which time he stayed in Washington working for a law firm run by two retired Marines. It's also when he met his future wife, Erin, a former Wyoming resident who ended up in D.C. for nursing school. The



Pawel Binczyk with his daughter Keira. Binczyk currently serves in the Maine National Guard after six years in the United States Army JAG Corps.

couple married in 2013 and now have two children: Henryk, who is 4, and Keira, who is 2.

After receiving a crash course in military law and training in traditional soldier skills, Binczyk was assigned to the 7th Infantry Division in Tacoma, WA, where he served as a prosecutor. He started out prosecuting small cases such as larceny but was quickly given more responsibility and tried his first contested rape case less than three years out of law school. He went on to specialize in sexual assault and child sexual abuse cases for 5 years, sometimes trying as many as 18 jury trials a year.

"I came in wanting to do the most challenging cases and I got to do the most challenging cases," says Binczyk, who suffered only one acquittal as a prosecutor and never had a contested conviction as a defense attorney.

"It was a really high intensity job," says Binczyk. "I had a very love-hate relationship with it. I loved what I was doing but I hated what it did to me. The truth is you can't do that stuff for any amount of time without it making an impact on you. And it's going to fundamentally change who you are."

Eventually, he burned out and the work put him in the hospital with a cardiac issue.

"I did it until I realized it wasn't good for me anymore to keep doing," he says. "If you let it, it will consume you and overcome you. I wasn't that good at managing the distance you need from the subject material."

He looks back on those years and is grateful for the experience, but he realized a career in criminal law was not for him.

He sought and received reassignment, taking a post in Eastern Europe where he helped develop critical, cooperative relationships with the legal advisers of ministries of defense from other countries.

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"It was great work and especially meaningful now with everything going on in the world," says Binczyk. "Some of the things that are happening now and our ability to respond to them are built on the foundations that we built back in 2017, 2018. It brings a lot of satisfaction."

The drawback was that he was deployed a lot and after 6 years of active duty, Binczyk and his wife decided it was time to return to civilian life. He describes leaving the military as bitter-sweet.



Pawel Binczyk and his son Henryk roast marshmallows at home in Portland, Maine.

"I loved being in the service, but I was ready for a change," says Binczyk, who stayed on with the National Guard after leaving active duty. "I wasn't ready to take the uniform off. I wanted to keep it as part of my life, but not have it be my whole life."

The couple and their young son moved to Portland to be near family. Binczyk tried his hand at criminal law work for a while but realized quickly enough that he was "well and truly done with it." That phase of his life had ended. He transitioned over to civil litigation and took a position with a firm that specialized in defense-side civil litigation, where he discovered his interest in labor and employment law.

He enjoys the intellectual challenge the field presents and the inter-personal skills it demands. He appreciates that it requires an eye for nuance and the ability to sort through a vast array of authorities to find the one that's relevant to the question at hand.

"There's very rarely an easy answer in this realm, and that makes it cool," he says. "It requires a lot of persuasion and a lot of painting fact patterns in certain ways."

When a position opened in 2020 at The Bennett Law Firm, which has specialized in labor and employment law for 60 years, Binczyk jumped at the opportunity. Partners Peter Bennett,

whose father, Herbert, founded the firm, and Rick Finberg "have forgotten more about employment law than most people will ever know," says Binczyk, who is the only employee at the firm who has been there less than 20 years. There, he found fast success in his chosen specialty, being named to the Best Lawyers "Ones to Watch in America" list for both his management-side labor practice as well as labor and employment litigation.

Between them, the three attorneys represent several major regional and national clients and cover Maine, Massachusetts, New Hampshire, Vermont, Connecticut, and soon, New York.

"The firm is really obsessed with putting out the highest-level work product we can," says Binczyk. "I would put our work product up against any big national firm."

A key factor to the firm's success is its commitment to building relationships with clients that endure over years. Some clients have been with the firm nearly since its inception, and Binczyk has clients who have been with him since they hired their first employee.

"We work very hard to give our clients top-notch representation, but we also work really hard to give our clients the kind of relationship they want with their attorney," says Binczyk. "We find that once clients come to us, they tend to stay with us."

The firm is a charter member of Primerus. It is the first New England firm invited to join the Society and the only Primerus law firm in Maine.

"Primerus is a huge value-add to the firm because we are so small and so specialized, but we have clients with full-service needs who don't want to go to one of those big full-service firms where they're just a number," says Binczyk. "With Primerus, we know that we can send our clients to somebody who has been vetted and that we can trust."

In addition to defending wage and hour class actions, discrimination claims before human rights and equal opportunity commissions, union grievances and unfair labor practice charges, Binczyk is also active in advising clients about alcohol licensing and regulation.

"We're a craft beer hub for the Northeast," he says. "There's probably a craft brewery for every 15 people. It's a big industry out here and a tough industry to navigate."

With a desire to be active in the community, Binczyk serves on the executive committee for the board of directors of Boots2Roots, a nonprofit whose mission is to attract military talent to Maine. The organization helps more than 100 veterans a year transition back into civilian life.

"I think it's something that brings a lot of value to the community and also brings a lot of value to the veteran population," says Binczyk. "I think we've been able to make a real positive contribution to the state."

While Binczyk's career has been shaped by periods of upheaval and historic institutional change, he sees his future in Portland and at The Bennett Law Firm as steady.

"I've become a much better lawyer since coming here," says Binczyk. "I told them when I was interviewing for the job that I was interviewing for a place I could stay and I think I found it.

I love it here. I think professionally I'm the happiest I've ever been."