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POSITION

Partner, *Litigation Group*

EDUCATION

BOSTON UNIVERSITY

J.D., *cum laude*, 1977

Editorial Board, Boston University Law Review, 1975-1977

UNIVERSITY OF MASSACHUSETTS

B.A., *magna cum laude*, 1974

Phi Beta Kappa, 1973

DESCRIPTION OF PRACTICE

General civil litigation: Attorneys' professional liability, including extensive trial and appellate experience in state and federal courts; banking and commercial litigation; directors and officers suits; employee dishonesty and fidelity litigation; products liability defense; and surety and construction litigation.

BAR ADMISSIONS

Massachusetts 1977

United States District Court for the District of Massachusetts 1977

United States Court of Appeals for the First Circuit 1979

United States Supreme Court 1997

PROFESSIONAL ORGANIZATIONS

American Bar Association

Boston Bar Association

International Association of Defense Counsel

APPOINTMENTS AND OFFICES

Co-chair, Professional Liability Section, Boston Bar Association (2006)

Board of Bar Overseers: Hearing Committee Member (1994-2000)

Lecturer: Boston University School of Law (1983-1988)

Greater Boston Legal Services: Corporate Member (1992-1998), Board of Directors (1994-1998)

PUBLICATIONS

- "Recent Developments Affecting the Liability of Professionals, Officers, and Directors," 41 Tort, Trial & Ins. L.J. 651 (2006)
- "Recent Developments Affecting the Liability of Professionals, Officers, and Directors," 40 Tort, Trial & Ins. L.J. 705 (2005)
- *Massachusetts Expert Witnesses: Professional Liability* (MCLE, 20 ed. 2004)

- “Lawyers Liability for Failing to Discover or Report Corporate Fraud,” Vol. 6, No. 3 (2004)
- “Reporting Corporate Fraud: Will New Rules Lead to New Remedies”, Tort, Trial & Insurance Practice Committee News, Summer (2004)
- “Recent Developments Affecting the Liability of Professionals Officers and Directors,” 39 Tort, Trial & Ins. L.J. 671 (2004)
- *Superior Court Jury Instructions: Professional Liability* (MCLE, 20 ed. 2004)
- “Causation and Damages in Legal Malpractice Cases” (MCLE, 2004)
- “Recent Developments Affecting The Liability of Professionals, Officers, and Directors,” 38 Tort, Trial & Ins. L. J. 585 (2003)
- *Massachusetts Discovery Practice: Ethical Commentary* (MCLE, 2002)
- Contributing Editor, *Payment Bond Defense Manual* ABA, (2d ed. 1995)
- Contributing Author, *Law of Suretyship* (ABA, 1993)
- “Representing Entities,” *Lawyer Liability* (MCLE, 1993)
- Contributing Author, *Failed Thrifts and Banks: Defending Actions by the FDIC/OTS/RTC* (International Association of Defense Counsel, 1992)
- “Fidelity Bonds: Intent is Key to Loan Recovery,” *National Law Journal*, December 7, 1992 at 22
- “Procedural Issues Under FIRREA,” *FDIC/RTC Crash Course* (MCLE, 1991)
- “Fidelity Policy: Late Notice of Losses is Key Issue,” *National Law Journal*, November 19, 1990 at 17
- Contributing Author, *Discovery of Dishonesty Under a Fidelity Bond* (Defense Research Institute, 1989)
- “Discovery Under Fidelity Bonds,” 21 Tort & Ins. L. J. 543 (1986)
- “The Constructive Trust: A Valuable Salvage Tool,” 15 Forum 790 (1980)

SEMINARS AND PRESENTATIONS

- Massachusetts Continuing Legal Education, Malpractice Claims Against Lawyers (2004)
- Boston Bar Association, Committee on Professional Liability, “Causation in Legal Malpractice Cases” (2001)
- Massachusetts Continuing Legal Education, Ethical and Liability Aspects of Referral Relationships (1997)
- Boston Bar Association, Committee on Professional Liability, Restatement of the Law of Lawyers (1996)
- Massachusetts Continuing Legal Education, Jury Instructions in Legal Malpractice Cases (1996)
- Boston Bar Association, Committee on Professional Liability, Comparative Fault as a Defense to Legal Malpractice (1995)
- ABA National Institute on Suretyship (1993 and 1994)
- International Association of Defense Counsel, *Failed Thrifts and Banks: Defending Actions by the FDIC/OTS/RTC* (1992)
- Massachusetts Continuing Legal Education, Lawyer Liability (1992)
- ABA, Fidelity and Surety Law Committee - Surety Program (1991)
- Massachusetts Continuing Legal Education, FDIC/RTC Law (1991)

APPELLATE DECISIONS

FIRST CIRCUIT COURT OF APPEALS

EIU Group, Inc. v. Gulf Ins. Co., 489 F.3d 405 (1st Cir. 2007) (directors and officers liability)
Rodi v. Southern New England School of Law, 389 F.3d 5 (1st Cir. 2004) (academic officer liability)
Jolicoeur v. Southern New England School of Law, 104 Fed. Appx. 745 (1st Cir. 2004) (academic officer liability)
Tamborelli v. Southern New England School of Law, 116 Fed. Appx. 290 (1st Cir. 2004) (academic officer liability)
Schultz v. Rhode Island Hosp. Trust Nat. Bank, 94 F.3d 721 (1st Cir. 1996) (securities law violations/RICO)
Rhode Island Depositors Economic Protection Corp. v. Hayes, 64 F.3d 22 (1st Cir. 1995) (legal malpractice)
Dias v. Vose, 50 F.3d 1 (1st Cir. 1995) (civil rights)
Rodrigues v. Furtado, 950 F.2d 805 (1st Cir. 1991) (civil rights)
Woburn Five Cents Savings Bank v. Hicks, 930 F.2d 965 (1st Cir. 1991) (lender liability)
United States v. St. Michaels Credit Union, 880 F.2d 579 (1st Cir. 1989) (currency reporting violations)
St. Paul Fire & Marine Ins. Co. v. Caguas Fed. S&L Ass’n., 867 F.2d 707 (1st Cir. 1989) (fidelity insurance)

MASSACHUSETTS SUPREME JUDICIAL COURT

Clark v. Rowe, 428 Mass. 339 (1998) (legal malpractice)
McCann v. Davis, Malm & D’Agostine, 423 Mass. 558 (1996) (legal malpractice)
Poly v. Moylan, 423 Mass. 141 (1996), cert. denied, 519 U.S. 956 (1997) (legal malpractice)
Rodrigues v. Furtado, 410 Mass. 878 (1991) (civil rights)
Corsetti v. Stone Co., 396 Mass. 1 (1985) (products liability)
Board of Public Works v. Aron, 387 Mass. 830 (1983) (rate setting)

MASSACHUSETTS APPEALS COURT

Kimball v. Schreiber, 69 Mass. App. Ct. 1116 (2007) (legal malpractice)
Kelly v. Doukas, 64 Mass. App. Ct. 1113, 835 N.E.2d 1179 (2005) (legal malpractice)
First Massachusetts Bank v. Florian, 63 Mass. App. Ct. 1110 (2005) (directors and officers liability)
Glaskin v. Brookline Savings Bank, 61 Mass. App. Ct. 1114 (2004) (fidelity insurance)
Lawrence Savings Bank v. Levenson, 59 Mass. App. Ct. 699 (2003) (legal malpractice)
Poly v. Cargill, 49 Mass. App. Ct. 1105 (2000) (legal malpractice)
Dujon v. Kurtz, 47 Mass. App. St. 1112 (1999) (fraud)
Smith v. Consalvo, 37 Mass. App. Ct. 193 (1994) (legal malpractice)
Beacon Sales Corp. v. American Employers Ins. Co., 40 Mass. App. Ct. 1119 (1996) (surety/construction)
Commonwealth v. Stockwell-Alpert, 34 Mass. App. Ct. 1118 (1993) (criminal contempt/legal malpractice)
Burke v. Dolan, 40 Mass. App. Ct. 1130 (1996) (legal malpractice)
Camp Dresser & McKee v. Home Ins. Co., 30 Mass. App. Ct. 318 (1991) (insurance coverage)
Merrimack Mut. Fire Ins. Co. v. Sampson, 28 Mass. App. Ct. 353 (1990) (insurance coverage)
Cocco v. Deluxe Systems, Inc., 25 Mass. App. Ct. 151 (1987) (products liability)
St. Paul Fire & Marine Ins. Co. v. Boston Housing Authority, 25 Mass. App. Ct. 6 (1987) (fidelity insurance)
Zolner v. THN Investments, Inc., 21 Mass. App. Ct. 927 (1985) (real estate)
Hutchinson v. Home Indemnity Co., 23 Mass. App. Ct. 1108 (1986) (products liability)
Botschafter v. FDIC, 33 Mass. App. Ct. 595 (1992) (lender liability)

APPELLATE DIVISION

Ingalls v. K-Mart Corp., 1989 Mass. App. Div. 87 (1989) (products liability)

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