

# John J. O'Connor

Partner

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## Practices

Employment Law and Litigation  
FDCPA/FCRA/TCPA Defense  
General Litigation  
Premises Liability and Tort Defense  
Professional Liability Litigation

## Bar Admissions

Commonwealth of Massachusetts  
State of Maine  
United States Court of Appeals for the First Circuit  
United States District Court for the District of Massachusetts  
United States Supreme Court

## Education

Catholic University School of Law, J.D., *with honors*, 1989  
(Editor, *Catholic University Law Review*, 1987-1989)

American International College, B.A., *summa cum laude*, 1984

## Clerkships

Massachusetts Supreme Judicial Court, Clerk to Justice John M. Greaney, 1990-1991

Massachusetts Appeals Court, Clerk to Chief Justice Christopher J. Armstrong,

## Overview

Jack is one of Peabody & Arnold's senior partners, having joined the firm's Litigation Department in 1991 following judicial clerkships with the Massachusetts Appeals Court and the Massachusetts Supreme Judicial Court.

Jack defends attorneys and other professionals in consumer-protection and malpractice matters; he defends creditors and collection professionals in all types of consumer-protection and enforcement claims and suits; he represents insurers in coverage disputes; he defends employers in employment matters; and he represents defendants in personal-injury actions.

Jack has extensive trial and appellate experience. He has tried cases in the state and federal courts of Massachusetts and Maine, and has briefed and/or argued appeals in both of the Massachusetts appellate courts, the New Hampshire Supreme Court, the United States Supreme Court, and the United States Courts of Appeal for the First, Second, and Fifth Circuits.

## Affiliations

- ACA International Members Attorney Program
- Massachusetts Bar Association
- Maine Bar Association
- Professional Liability Underwriting Society

## Articles & Seminars

- *Spokeo, Inc. v. Robins: Standing and Actual Damages in Consumer-Protection Litigation*, [TIPS Professional Liability Insurance Committee Newsletter](#), Summer 2016
- *Understanding The Case Law on Window Envelopes and FDCPA Liability*, Collector, Industry News from [ACA International](#), December 2015

1989-1990

- Massachusetts Discovery Practice: Organizing Documents in Complex Cases (MCLE, 2d ed. 2012)
- Recent Developments Affecting the Liability of Professionals, Officers and Directors, 40 Tort Trial & Ins. Prac. L. J. 705 (2005)
- McNally v. United States, Intangible Rights Mail Fraud Declared a Dead Letter, 37 Cath. U.L. Rev. 851 (1988)

## Representative Cases

- Bertolino v. Sequium Asset Solutions, LLC, No. 22-11139; 2023 WL 2992646 (D. Mass. April 18, 2023)(FDCPA)
- Katz v. Belveron Real Estate Partners, LLC, 28 F. 4<sup>th</sup> 300 (1<sup>st</sup> Cir. 2022)(fraud, civil conspiracy, trade practices act).
- Chalifoux v. James, No. 20-P-364, 100 Mass. App. Ct. 1127 (2022)(lawyer professional liability).
- Mentis Sciences, Inc. v. Pittsburgh Networks, LLC, 173 N.H. 584 (2020)(contract, negligence).
- Mahoney v. Bernat, 2019 WL 6497601 (Mass. Super. 2019) (lawyer professional liability).
- Lecaj v. J.C. Christensen and Assoc., Inc., No. 16-CV-10498 (D. Mass. April 20, 2016)(FDCPA, FCRA).
- Hudson v. Babilonia, No. 14-CV-01646 (D. Conn. June 14, 2016)(FDCPA, FCRA, TCPA).
- Searle v. Convergent Outsourcing, Inc., No. 13-CV-11914 (D. Mass. June 13, 2014)(FCRA).
- Murphy v. Law Offices of Howard Lee Schiff, P.C., No. 13-CV-10724 (D. Mass. Feb. 25, 2014)(lawyer professional liability).
- O'Callaghan v. Shirazi, 204 Fed. Appx. 35 (1<sup>st</sup> Cir. 2006)(lawyer professional liability).
- Massachusetts Asset Financing Corp. v. Harter, Secrest & Emery, LLP, 430 F. 3d 59 (1<sup>st</sup> Cir. 2005)(lawyer professional liability).
- Stewart v. Dutra Const. Co., 543 U.S. 481 (2005)(admiralty; personal injury).
- Stewart v. Dutra Const. Co., 230 F. 3d 461 (1<sup>st</sup> Cir. 2003)(admiralty, personal injury).
- Stratton v. National Union Fire Insurance Company, 2004 U.S. Dist. LEXIS 17613 (D. Mass. Sept. 3, 2004)(insurance coverage).
- Zimmerman v. Direct Federal Credit Union, 262 F.3d 70 (1<sup>st</sup> Cir. 2001)(employment).
- Martin v. Sands, 62 F. Supp. 2d 196 (D. Mass. 1999)(lawyer professional liability; FDCPA).
- Zapata Corp. v. National Union Fire Ins. Co., 1998 U.S. Dist. LEXIS 22663 (S.D. Tex. July 6, 1998)(insurance coverage).
- Reliant Airlines, Inc. v. Broome County, 122 F. 3d 1057 (2d. Cir. 1997)(personal injury).
- Dias v. Vose, 50 F. 3d 1 (1st Cir. 1995)(civil rights).

- *Commercial Union Ins. Co. v. Gilbane Building Co.*, 992 F.2d 386 (1<sup>st</sup> Cir 1993)(contract).
- *Bank One, Texas v. Montle*, 974 F.2d 220 (1<sup>st</sup> Cir. 1992)(contract).
- *Putnam v. DeRosa*, 963 F.2d 480 (1<sup>st</sup> Cir. 1992)(consumer protection act; fraud).
- *Jessamey v. Norfolk Financial Corp.*, 2006 Mass. App. Div. 82 (2006)(FDCPA, consumer protection act).
- *Palriwala v. Palriwala*, 64 Mass. App. Ct. 663 (2005)(contract).
- *Day v. Kerkorian*, 61 Mass. App. Ct. 804 (2004)(lawyer professional liability).
- *Ramsdell v. Doliber*, 59 Mass. App. Ct. 446 (2003)(lawyer professional liability).
- *Drywall Systems, Inc. v. ZVI Const. Co.*, 435 Mass. 664 (2002)(trade practices act).
- *New Hampshire Ins. Co. v. McCann*, 429 Mass. 202 (1999)(lawyer professional liability).
- *Sylvia v. Johnson*, 44 Mass. App. Ct. 483 (1998)(trusts; contract).
- *Mitchell v. Stop & Shop*, 41 Mass. App. Ct. 521 (1996)(personal injury; insurance coverage).
- *Beacon Sales Corp. v. American Employers Ins. Co.*, 40 Mass. App. Ct. 1119 (1996)(construction; trade practices act).

## Interests

- Instructor, First-Year Writing Program  
Boston University Law School, 1995-1997
- Member, Board of Directors, and Past President, Duxbury Youth Baseball, 2008-2015