

# MASSACHUSETTS

## Local litigation firms

### Highly recommended

Bingham McCutchen

Choate Hall & Stewart

Goodwin Procter

McDermott Will & Emery

Mintz Levin Cohn Ferris Glovsky & Popeo

Nutter McClennen & Fish

Proskauer Rose

Ropes & Gray

WilmerHale

### Recommended

Adler Pollock & Sheehan

Brown Rudnick

Duane Morris

Dwyer & Collora

Edwards Angell Palmer & Dodge

Foley Hoag

Foley & Lardner

Goulston & Storrs

Hanify & King

LeClairRyan

Prince Lobel Glovsky & Tye

Sherin and Lodgen

Skadden Arps Slate Meagher & Flom

Sugarman Rogers Barshak & Cohen

Todd & Weld

## Local litigation stars

### Mike Angelini

Bowditch & Dewey  
Business Litigation

### Clyde Bergstresser

Campbell Trial Lawyers  
Professional Liability

### Leo Boyle

Meehan Boyle Black & Bogdanow  
Personal Injury

### James Campbell

Campbell Trial Lawyers  
Products Liability

### Richard Campbell

Campbell Trial Lawyers  
Complex Commercial Litigation

### James Carroll

Skadden Arps Slate Meagher & Flom  
Insurance, Securities

### Michael Collora

Dwyer & Collora  
White Collar Crime

### Sarah Chapin Columbia

McDermott Will & Emery  
Intellectual Property

### John Egan

Egan Flanagan & Cohen  
Civil Litigation

### John Kenneth Felter

Ropes & Gray  
Intellectual Property

### Anthony Fiotto

Goodwin Procter  
Securities

### John Hanify

Hanify & King  
Business Litigation

### Jordan Hershman

Bingham McCutchen  
Securities

### Michael Keating

Foley Hoag  
Business Litigation

### Michael Kendall

McDermott Will & Emery  
General Commercial Litigation

### William Kettlewell

Dwyer & Collora  
Complex Commercial Litigation

### Joseph Kociubes

Bingham McCutchen  
Civil Litigation

### William Lee

WilmerHale  
Intellectual Property

### Edward Leibensperger

McDermott Will & Emery  
Business Litigation, Securities

### Joan Lukey

Ropes & Gray  
Complex Commercial Litigation

### Joan McPhee

Ropes & Gray  
White Collar Crime

### John Montgomery

Ropes & Gray  
Complex Commercial Litigation

### Robert Muldoon

Sherin & Lodgin  
Complex Commercial Litigation

### Brian Pastuszenski

Goodwin Procter  
Securities

### Mark Pearlstein

McDermott Will & Emery  
Complex Commercial Litigation, Securities, White Collar Crime

### Robert Popeo

Mintz Levin Cohn Ferris Glovsky & Popeo  
Complex Commercial Litigation

### Richard Renehan

Goulston & Storrs  
Business Litigation, Professional Malpractice

### Peter Resnick

McDermott Will & Emery  
Business Litigation, Products Liability

### Jeffrey Rudman

WilmerHale  
Securities

### Frank Scherkenbach

Fish & Richardson  
Intellectual Property

### Hugh Scott

Choate Hall & Stewart  
Insurance

### Nicholas Theodorou

Foley Hoag  
White Collar Crime

**J Owen Todd**

Todd & Weld  
Business Litigation

**Roscoe Trimmier**

Ropes & Gray  
Complex Commercial Litigation, Environmental  
Litigation

**Michael Tuteur**

Foley & Lardner  
Complex Commercial Litigation, White Collar Crime

**Robert Ullman**

Nutter McClennan & Fish  
White Collar Crime

**Paul Ware**

Goodwin Procter  
Intellectual Property

**Harvey Wolkoff**

Ropes & Gray  
Complex Commercial Litigation

## Future stars

Maria Durant  
Dwyer & Collora

John Gutoski  
Foley Lardner

Kevin Kenneally  
LeClairRyan

Joshua Levy  
Ropes & Gray

Neil McGaraghan  
Bingham McCutchen

Ian Roffman  
Nutter McClennan & Fish

Adam Sisitsky  
Mintz Levin Cohn Ferris Glovsky & Popeo

Robert Skinner  
Ropes & Gray



# Massachusetts

**Five years ago, Massachusetts created a new division of the state's Superior Court, known as a Business Litigation Session, that is fashioned after the Chancery Court in Delaware. Litigants apply for their cases to be adjudicated here; the case must satisfy certain requirements, including a minimum amount in controversy. Besides a relatively fast docket, the increased consistency of judicial decisions has been a boon to the business community here. The body of precedential law that is being established in these courts will make litigating in Massachusetts more attractive for corporations, and will ensure that the state remains a destination for corporate litigation.**

## Highly recommended firms

### Bingham McCutchen

Bingham McCutchen is headquartered in Boston, where the firm has had a presence for over 100 years. There are 71 litigators practicing out of this office, and their practices cover a wide range of business and commercial litigation. The firm has a solid reputation in securities work, which is an asset given that after New York and California, Massachusetts is the most active state for securities litigation. Competitors note that Bingham largely handles broker dealer litigation, as opposed to broader public company representation. In July 2009, Bingham announced that it was merging with the tax planning and litigation boutique McKee Nelson. McKee will also contribute a healthy white-collar crime practice, and a roster of financial industry clients including Deutsche Bank, Morgan Stanley, Credit Suisse and JPMorgan Chase.

Joseph Kociubes is a trial lawyer with extensive experience in civil litigation. He also handles both domestic and international arbitrations. Jordan Hershman is a "very good securities litigator with a national practice" according to a competitor. He represents Freddie Mac in securities class actions and shareholder derivative suits pending in federal courts around the country. Freddie Mac and its former senior officials are facing allegations that they violated the federal securities laws with respect to Freddie Mac's investments in the subprime industry and its disclosed multi-billion dollar losses. The cases are all in their early stages, and at the time of this writing the court has yet to rule on any motions to dismiss the claims.

### Choate Hall & Stewart

Choate Hall & Stewart entered into the highly recommended category this year. Partners at the firm handle complex commercial litigation, including class action defense, tort defense, securities litigation and antitrust. In antitrust work, the firm has handled matters before the Federal Trade Commission, the U.S. Department of Justice, and the State Attorney General's offices. The firm is familiar with the intersection between

intellectual property and antitrust issues, handling intellectual property licensing and copyright infringement claims and related antitrust disputes. They have also defended claims of market allocation in the retail market.

Peers are consistently impressed by the work of partner **Hugh Scott**. A competitor claims that "Hugh Scott is one of the best litigators in the insurance and reinsurance space in the state." Scott litigates on behalf of insurance companies in cases involving coverage in a variety of claims including hazardous waste sites, asbestos, business disparagement and director and officer liability.

### Foley & Lardner

Foley & Lardner's Boston lawyers have experience in some of the most locally active industries, including life sciences, technology and health care. The firm's litigation department handles commercial litigation, employment, securities and licensing and intellectual property issues.

**Michael Tuteur** concentrates on complex commercial litigation, internal investigations and white-collar criminal defense. He represents corporations, officers, and directors in connection with criminal and regulatory investigations involving alleged health care fraud, securities fraud, and mutual fund and banking regulatory violations. His clients are local, national, and international companies in a variety of industries including healthcare, software, biotechnology, insurance, education, and advertising.

### Goodwin Procter

Goodwin Procter's national headquarters are in Boston. The firm also maintains offices around the country and across the globe, with outposts in London and Hong Kong. **Paul Ware** is a senior litigator with significant trial experience. He has particular experience in intellectual property litigation, including patent suits. He has represented Eli Lilly in claims against generic manufacturers, and is advising Boston Scientific Corporation in litigation involving the company's stent technology. He has handled cases for

businesses that produce technology like medical and computer applications.

**Brian Pastuszewski** specializes in securities class action and shareholder litigation defense. He also handles defense of SEC proceedings and internal corporate investigations. He is currently handling litigation resulting from the subprime mortgage meltdown. He is lead counsel for Countrywide Financial Corporation in various "stock drop" lawsuits filed in federal and state courts around the country. **Anthony Fiotto** handles a variety of litigation, including securities litigation and SEC enforcement matters. He has handled shareholder disputes and suits resulting from corporate transactions like mergers and tender offers. He represents clients in the private equity, venture capital and commercial real estate industries.

### McDermott Will & Emery

"The lawyers at the Boston office of McDermott Will & Emery are very detail oriented, practical, and client focused," explains a client. Another client mentions that "in terms of their competence and their explanation of legal strategy, their expertise and judgement were far superior to the majority of firms." The firm's Boston office especially excels in intellectual property and general commercial litigation.

In the intellectual property group, a client has high praise for **Sarah Chapin Columbia** for her very thorough trial preparation for an infringement matter that would have been a significant litigation for the client. She also has experience trying cases in the Central District of California, a hotspot for patent litigation. She is acting as lead counsel defending Teradyne, a company that provides the application of systems technology to problems in the design of electronics, in a patent infringement action brought by Xyratex in that jurisdiction.

Clients appreciate the expertise that **Michael Kendall** provides, with one client noting that "Michael is one of the most practical, thoughtful litigators I have ever worked with." Other notable partners include **Edward Leibensperger**, who secured a victory from the New Hampshire Supreme Court on behalf of the Foundation for Seacoast Health, which sought to assert its right of first refusal provided by a 1983 asset purchase agreement to repurchase a hospital that was owned by the defendant. The court agreed with the plaintiff's interpretation of the contract, and remanded the case to trial. **Mark Pearlstein** rounds out the white-collar crime group at the Boston office, and **Peter Resnick** contributes a healthy business litigation and products liability practice.

**Mintz Levin Cohn Ferris Glovsky & Popeo** Competitors in the Massachusetts litigation market mention that Mintz Levin's Boston office has acquired a reputation for internet litigation. Naturally, in a city where

technology companies have been sprouting up at breakneck speed, this is certainly an asset. The firm also has had significant success in intellectual property litigation. In 2008, partners Paul Hayes, Dean Bostock, Paul Cronin and Gene Feher obtained a jury verdict of \$388 million in damages for client Uniloc, Inc. in that company's patent infringement suit against Microsoft Corporation. The jury found that Uniloc's patent was valid and that defendant Microsoft had willfully infringed it.

Clients have expressed admiration for and satisfaction with the partners at Mintz Levin. One client, one of eleven defendants in a large white-collar criminal trial, commended partner Tracy Minor for her tenacity. She explained that "Tracy outworked everyone, reviewing all the documents that the government produced, and she was so thorough that she essentially carried the defense for the whole group. She focused on what was important, which were the facts of the case, and the jury really listened to her because she didn't waste anyone's time." Robert Popeo is synonymous with the Boston office of Mintz Levin; some peers even refer to the Boston outpost as "the Bob Popeo show." He focuses on white-collar criminal defense and government investigations and internal investigations.

#### Nutter McClennan & Fish

Nutter McClennan & Fish has experience representing virtually every significant industry in Massachusetts. In the life sciences arena, the firm has significant experience in patent infringement suits and in administrative procedures, including patent interferences. The firm's securities litigation group represents public and private companies, mutual funds, broker-dealers, underwriters and individual officers and directors with respect to matters involving regulatory investigations, market timing, options backdating, insider trading and revenue recognition. Its real estate litigation practice includes construction claims, land use disputes, commercial lease disputes and eminent domain work. The firm also advises clients in the state's still burgeoning manufacturing sector, especially with respect to products liability claims. The firm has handled products liability and toxic tort claims regarding medical devices, motor vehicles, heavy equipment, gases, chemicals and consumer products.

Robert Ullmann chairs the firm's government investigations and white-collar criminal defense group. He recently won the acquittal of a manager at TAP pharmaceuticals after a three month health care fraud trial. He also handles government investigations with respect to tax, environmental, customs, arms exports, and insurance fraud matters.

#### Proskauer Rose

The Boston office of Proskauer Rose does not

receive as much attention as its New York location, and local litigators recognize the firm primarily for its transactional and real estate work. The four litigation partners in the firm's Boston office are still handling important work for the firm, especially with respect to intellectual property and patent litigation. The partners in this group have experience litigating in courts and before patent offices worldwide. They are also well versed in alternative dispute resolution in the intellectual property arena. The firm represents clients in Boston's burgeoning technology, life sciences, and publishing sectors.

Besides intellectual property, the firm has a strong labor and employment group in

seemed to "abandon general commercial litigation and thrown all their eggs into the securities basket since the firm's merger." "The majority of the work that I see from that shop is either 10b5 cases or securities enforcement issues out of the Washington, D.C. office" claims another peer. Peers recognize Jeffrey Rudman as one of the best securities lawyers at the firm. Though the firm receives the most recognition for its work out of Washington, the Boston office continues to handle significant litigation, especially with regards to intellectual property.

William Lee is recognized for his work in intellectual property litigation. In 2009, he was named as "Outstanding U.S. IP

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Boston that handles litigation involving wage and hour issues, arbitrations and NLRB proceedings.

#### Ropes & Gray

The Boston office of Ropes & Gray has a particularly strong insurance group that litigates on behalf of insurers, not policyholders. A client that is familiar with the firm's insurance department is "consistently impressed with their knowledge, and especially impressed with the depth of their bench." She remarks that she "had occasion to deal with not only partners at the firm but also with associates, and they were very thorough and knowledgeable about the case, which you do not always experience with law firms of this size." Another client adds that "their written work product was consistently superior."

Clients also praise the individual members of the litigation team. One client mentions that "Harvey Wolkoff is the guy you want to try a case. He does not manage the day to day issues, but you want him in your corner in a big litigation." Ana Francisco "very effectively handled the day to day management of a 'scorched earth' discovery period" explains a client. Matthew Burke handled a very complex and highly acrimonious litigation for one client, who observed that "has a very easy-going temperament, but he can be the 'pound the table with your fist' kind of guy if that is what's required to get a good result for the client."

#### WilmerHale

Competitors note that WilmerHale has

Practitioner of the Year" by *Managing IP* magazine. He has tried cases before the Court of Appeals for the Federal Circuit and the International Trade Commission.

#### Recommended firms

##### Adler Pollock

"You can hire Adler Pollock to do just about any level of work because they are very responsive and very cost effective," remarks a client. In April 2009, the firm received a defense verdict on behalf of a scaffolding subcontractor in a construction-related accident case in which the plaintiff sought damages of \$2.5 million for claims of personal injury, permanent disability and loss of earnings. Partners Brian McMenimen and Colleen Nevin tried the case.

##### Dwyer & Collora

Peers consider Dwyer & Collora a boutique employment and white-collar criminal defense firm. The firm often handles government investigations on subjects ranging from antitrust to the Foreign Corrupt Practices Act to election law to tax fraud. In the employment arena, the firm has represented both plaintiffs and defendants, and has litigated before the Equal Opportunity Commission, the Massachusetts Commission Against Discrimination and the U.S. Department of Labor.

Michael Collora is known for representing indemnified, high-net worth individuals in securities enforcement actions. He has particular expertise with matters involving allegations of stock fraud, irregular accounting practices, and insider trading. He

also regularly deals with state regulatory agencies on behalf of individuals, brokers, and brokerage firms. **William Kettlewell** handles white-collar criminal defense for businesses and individuals charged with state and federal crimes. He has handled internal corporate investigations involving alleged violations of health care fraud and abuse laws, Food and Drug Administration laws, banking, procurement and environmental laws. He also handles grand jury proceedings and civil and criminal trials and appeals.

**Duane Morris**

The Boston office of Duane Morris handles securities and commercial disputes, professional liability, intellectual property, products liability and real estate controversies. The firm's personal injury work includes matters involving construction and workplace accidents, medical malpractice, and products liability. In the field of white-collar criminal litigation, the firm advises clients accused of Medicare/Medicaid fraud and abuse, environmental crimes, criminal tax fraud, RICO violations, trade espionage, and fraud in government procurement.

**Edwards Angell Palmer & Dodge**

Edwards Angell Palmer & Dodge's Rhode Island office may receive more recognition than its Massachusetts outpost, but the firm's Boston location handles a significant amount of litigation. The firm has four offices across all of New England, and handles all manner of litigation across several industries including energy, healthcare, banking and finance, insurance, life sciences, media, and technology. Recently the firm was successful in dissuading the FTC from pursuing an antitrust case against its client, Genzyme, concerning Genzyme's acquisition of competitor Novazyme Pharmaceuticals. The FTC was concerned that the acquisition would decrease competition in the market for a drug that both companies were researching simultaneously. Lawyers at Edwards Angell were able to demonstrate that collaboration between the two companies would actually speed the development of the drug, and that after considering certain market factors that the FTC had overlooked, there would appear to be no decrease in competition. Accordingly the FTC decided not to pursue an action in opposition to the merger.

**Foley Hoag**

Nicholas Theodorou concentrates his

practice on white-collar criminal defense and business crimes. He led the firm's efforts in its defense of 16 medical device distributors that were sued under the False Claims Act in U.S. District Court in Massachusetts. Plaintiffs alleged that the distributors defrauded the government by allegedly giving kickbacks to surgeons for endorsing and using certain products. The defense argued that plaintiffs had failed to both meet the jurisdictional requirements under the False Claims Act and that the fraud claims were not pleaded with the specificity required under the Federal Rules. The defendant's motion to dismiss was granted and the plaintiff's request to re-amend the complaint was denied in March 2009. **Michael Keating** is praised as very skilled with respect to general commercial litigation matters.

**Goulston & Storrs**

Goulston & Storrs partners handle a variety of litigation, mediation, and arbitration matters. The firm has offices in Boston, New York, Washington, D.C. and Beijing. **Richard Renehan** remains a respected trial and appellate lawyer in Boston. He has practiced for over 50 years, and has tried cases involving zoning, employment discrimination, environmental law, and malpractice.

**Hanify & King**

The lawyers at Hanify & King practice business litigation, intellectual property, bankruptcy and reorganization, real estate litigation and employment litigation. The firm has offices in New York, Boston, and Washington, D.C. **John Hanify** represents clients in all manner of business disputes. He has obtained million dollar judgments in commercial arbitration for claims of unfair and deceptive practices and breach of warranty, and he has defended million dollar claims of fraud and breach of warranties.

**LeClairRyan**

Peers are still mentioning that **Kevin Kenneally** is one of the most promising litigators in the state. Keaneally represents companies in commercial and insurance coverage disputes and business tort cases. He specializes in products liability matters, including medical device litigation, medical malpractice, and assisted living facilities and nursing home defense.

**Prince Lobel Glovsky & Tye**

Prince Lobel Glovsky & Tye is a 27-lawyer

firm with experience handling matters for clients in the construction, health care, hospitality, financial services, media and insurance industries. For example, in the construction arena the firm has represented owners, general contractors, subcontractors, suppliers and designers on delay and productivity claims, bid protests, statutory bond claims and mechanic's lien claims.

**Sherin & Lodgen**

Sherin & Lodgen has a solid litigation presence throughout New England. The firm is especially commended for its work in real estate litigation. "A lot of people consider **Robert Muldoon** to be a good litigator" claims a peer. He has gained a solid reputation for handling professional liability matters, including the defense of legal malpractice claims. He has represented a Boston law firm in malpractice claims arising from the firm's alleged mishandling of an intellectual property matter, and he has defended a Boston area hospital in matters relating to the operation and staffing of its epidemiology unit.

**Sugarman Rogers Barshak & Cohen**

Sugarman Rogers Barshak & Cohen is based in Boston and has developed particular expertise in areas of insurance and reinsurance. The firm represents local and national insurance carriers in all manner of litigation and appeal of coverage disputes. Partners at the firm are experienced in various types of policies, including professional liability, director and officer liability, title insurance, homeowners insurance, environmental coverage, employment practices liability and errors and omissions coverage.

**Todd & Weld**

Todd & Weld is principally a commercial and business litigation firm. Recently, it has seen an increase in construction litigation as well. Partners at the firm tried a real estate case to a \$20 million verdict, which was one of the highest recorded verdicts in the Commonwealth. The firm also has a criminal law practice which has been handling an increase in high profile white-collar matters. The firm has handled employment litigation for client Staples, and has defended a local Worcester bank, Commerce Bank, in a Lanham Act case. **J Owen Todd** is consistently recognized by his peers as one of the most accomplished litigators in the state.