

Suffolk University Law School (J.D. 1988)

Awards and achievements:

1998 – 2019	Preeminent AV Rated – <i>Martindale Hubbell</i>
2009 - 2019	Peer Reviewed Elected Member – American Board of Trial Advocates
2011 – 2019	10.0 <i>Avvo</i> Rated
2011 – 2019	<i>Super Lawyer</i> – <i>Boston Magazine</i>
2012	MassDLA Outstanding Leadership and Dedication Award
2012	DRI Exceptional Performance Citation
2016	DRI Leadership Conference Membership Recruitment Award
2017	DRI Leadership Conference Membership Recruitment Award
2017	DRI State Leadership Award
2017	ABA/TIPS Committee Chair Certificate of Appreciation
2017	ABA/TIPS Most Innovative Committee Award
2017	<i>Best Lawyers in America</i> – Personal Injury/Defense
2018	DRI Leadership Conference Membership Recruitment Award
2018	<i>Best Lawyers in America</i> – Personal Injury/Defense
2019	DRI Leadership Conference Membership Recruitment Award

Areas of practice: Broad civil defense trial practice experience in general liability, premises liability, dram shop/social host liability, construction-related litigation and motor vehicle liability. More recent emphasis on asbestos litigation and product liability litigation. Elected by trial attorney peers as member of ABOTA in 2009.

Years as a defense attorney: 30

Employment history Hermes Netburn, Boston, MA (2011 – present)
Campbell, Campbell, Edwards & Conroy,
Boston, MA (2004 - 2011)
Lynch & Lynch, South Easton, MA (1989 – 2004)

Noteworthy defense work:

I have 30 years of civil defense trial experience representing individuals, insureds, insurers, businesses, corporations and product manufacturers. I have tried to verdict over 30 superior court and 60 district court cases. The majority of these were in Massachusetts, but I have also tried cases in Connecticut, Rhode Island and New York. Some of those matters are described below:

Baptiste v. Briggs

Defense verdict obtained in Plymouth Superior Court where plaintiff, who sustained permanent injuries in motor vehicle accident, alleged that adult defendant negligently supervised operator who was intoxicated at time of accident.

Pola v. Huck

Summary judgment obtained in Barnstable Superior Court in paraplegia case where plaintiff alleged that professional tree cutting was “inherently dangerous” activity.

Argemma v. DeLuca

Defense verdict obtained in Worcester Superior Court where plaintiff alleged that lack of handrail on attic stairs proximately caused fall resulting in permanent back injuries.

Pelligrino v. Marchant

Defense verdict obtained in Lowell Superior Court where plaintiff alleged that defendant was liable for tree falling on car causing permanent head injuries.

Lazaro v. Ferreira

Defense verdict obtained in Fall River Superior Court where plaintiff alleged that he was permanently injured when struck from the rear by defendant’s vehicle.

Wright v. Chisholm

Defense verdict obtained in Somerville District Court (jury of six) where plaintiff alleged permanent scarring from dog bite.

Howard v. Scannell

Defense verdict obtained in Lowell Superior Court on causation after court directed verdict for plaintiff on issue of liability.

Courtemanch v. AT&T

Defense verdict obtained in Lawrence Superior Court where plaintiff alleged defendant Construction Company negligently maintained scaffolding system.

Fitchburg v. Juliano

Declaratory judgment action defeated at summary judgment stage in Norfolk Superior Court where homeowner’s carrier declined coverage for social host claim.

Medeiros v. Chrysler

Summary judgment obtained in Plymouth Superior Court in favor of automobile manufacturer in asbestos/mesothelioma case after Special Master recommended denial of motion.

Petty v. General Motors

Summary judgment obtained in Bridgeport Superior Court in favor of naval engine manufacturer due to lack of sufficient expert product identification testimony.

Kroskob v. Detroit Diesel Corporation

Dismissal of claims obtained in Providence Superior Court in asbestos/mesothelioma case just before jury selection.

Owens v. MacMillen

Defense verdict obtained in Plymouth Superior Court where plaintiff sustained permanent facial/eye injuries while constructing a deck at defendant’s home.

Zdanowicz v. Zides

Defense verdict obtained in Suffolk Superior Court where plaintiff fractured leg while delivering oil to defendant's home.

Pactovis v. Moran

Defense verdict obtained in Norfolk Superior Court where plaintiff fractured hip when she fell at a donut shop after being bumped by the defendant.

Wagner v. Leroy

Defense verdict obtained in Plymouth Superior Court where plaintiff fractured both hips, requiring surgery, after tripping over a holiday decoration (pumpkin) while delivering packages to the defendant's home.

Epro v. Letendre

Defense verdict obtained in Norfolk Superior Court where plaintiff sustained shoulder injuries falling while filling his car with gas at the defendant's service station.

Watson v. Aubert

Verdict of \$2,400 in dog bite case in Fall River Superior Court. Plaintiff alleged permanent scarring and nerve/leg injuries and demanded \$100,000. Settlement offer prior to trial was \$15,000.

Ortega v. Roman

Defense verdict obtained in Hamden Superior Court where plaintiff fractured leg falling on snow and ice on the defendant's driveway.

Gonsalves v. Martin

Defense verdict overturning a plaintiff's award from the District Court obtained in Fall River Superior Court in motor vehicle accident case.

Switzer v. Hamilton

Defense verdict obtained in Middlesex Superior Court where plaintiff sustained facial and head injuries with resulting vertigo after being hit by a shot-put thrown by the defendant at high school track practice.

Lewis v. Valle

Defense verdict obtained in Middlesex Superior Court where plaintiff sustained wrist injuries after an altercation with her sister-in-law at a family holiday gathering.

Scully v. McGrath

Defense verdict obtained in Suffolk Superior Court where plaintiff fractured leg when struck by wedding guest while dancing at the defendant's premises.

Andrade v. Andrade

Defense verdict obtained in Plymouth Superior Court where plaintiff fractured both feet and legs falling from the defendant's roof.

Hostetter v. ArvinMeritor, Inc.

Summary judgment awarded in mesothelioma case where plaintiff through documents, but not testimony, claimed he was exposed to Rockwell brakes allegedly installed in Mack trucks. Rockwell prevailed on argument that "a" supplier was not the same as "the" supplier. This was the first contested summary judgment motion awarded to an asbestos defendant in Providence Superior Court in over 20 years.

Centerplan Construction v. Connecticut Doubleplay

Summary judgement awarded to the Hartford Yard Goats minor league baseball team in dispute over construction of Dunkin Donuts Park. The plaintiff claimed that the team and its owner tortuously interfered with its contracts with the City of Hartford. The case was in the Hartford Superior Court Complex Litigation section and, despite Connecticut's high summary judgment burden, the defendants were able to illustrate that no such interference occurred as a matter of law.

Professional affiliations:

Massachusetts Defense Lawyers Association (MassDLA) (See details of leadership positions below)

Massachusetts Bar Association

Defense Counsel of Rhode Island

American Board of Trial Advocates (ABOTA)

American Bar Association – Tort Trial and Insurance Practice Section (See details of leadership positions below)

American Bar Foundation – Life Fellow

DRI member since: 2002

Please describe your previous involvement in DRI, including but not limited to, leadership positions held. Projects contributed to, Committee memberships, presentations given, and written materials authored. Special accomplishments should also be noted.

Positions:

Massachusetts State Representative	2015 – 2017
Massachusetts State Membership Chair	2018 – 2019
National Membership Committee	2018 – 2019
SMC Liaison	2018 – 2019
Asbestos Medicine Seminar Marketing Committee	2011 – 2019
Annual Meeting Marketing Committee	2017 - 2019
Litigation Skills Committee	

Northeast Region Committee
Products Liability Committee
Toxic Tort and Environmental Law Committee

Awards:

2012	DRI Exceptional Performance Citation
2016	DRI Leadership Conference Membership Recruitment Award
2017	DRI Leadership Conference Membership Recruitment Award
2017	DRI State Leadership Award
2018	DRI Leadership Conference Membership Recruitment Award
2019	DRI Leadership Conference Membership Recruitment Award

Presentations:

2013	Asbestos Medicine Seminar – Main Stage Presentation “Confronting Nonsense with Common Sense – Thoughts on Cross-Examining the Every Exposure Counts Expert”
2014	Asbestos Medicine Seminar – Breakout Session Presentation “Fact Witness Depositions: Building Your Defenses”
2016	Asbestos Medicine Seminar – Main Stage Presentation “Pulling Back the Curtain – Are Those Independent or Exclusive Organizations Really Independent or Exclusive?”
2017	Defense Counsel of Delaware – Annual Dinner Presentation by Invitation “Building Defenses through Depositions”

Publications:

2013	“Confronting Nonsense with Common Sense – Thoughts on Cross-Examining the Every Exposure Counts Expert” – Seminar Course Materials Article
2014	“Fact Witness Depositions – Building Your Defenses” – Seminar Course Materials Article
2016	“Pulling Back the Curtain – Are Those Independent or Exclusive Organizations Really Independent or Exclusive?” – Seminar Course Materials Article
2017	DRI – It’s Personal – <i>The Voice</i>

As Massachusetts State Representative, I received membership recruitment achievement awards for attaining at or near the quotas in question during the relevant years. Also, for each of the DRI Annual Meetings (Washington DC, Chicago and San Francisco), I organized (location, funding, food/beverage and

entertainment) the Northeast Region's meeting and social event. I attended all or most of the MassDLA Board of Directors' meetings and kept the members apprised of all upcoming DRI events. I also assisted the MassDLA with procuring DRI keynote speakers for its Annual Meeting and Spring Seminar. I attended all or most of the MassDLA seminars and events, including the Winter Social and Annual Meeting and spoke about the benefits of DRI membership. I also attended all of the Northeast Regional meetings and participated in the various workshops and CLE events. In addition, I have attended all of the DRI Leadership Conferences (as an SLDO officer, DRI State Representative and DRI State Membership Chair) to which I was invited.

As State Membership Chair, I again received membership recruitment awards for attaining at or near the quotas in question during the relevant years. I appointed a Vice-Chair and worked with him to recruit new members and renew the membership of lapsed members. I have spoken at MassDLA events, including the Annual Meeting as an SMC as well. As an SMC, I was asked to and prepared a joint presentation on SLDO/DRI relations at the most recent Leadership Conference. For each of the years I have served as either State Representative or State Membership Chair, Massachusetts DRI membership has either remained steady or has grown. Massachusetts is one of the few states with more DRI members than SLDO members.

In 2018, I was appointed to the National Membership Committee. I attended the "fly-in" meetings before the Leadership Conference in 2018 and 2019. I regularly participate in Membership Committee conference calls. I have also served as an SMC Liaison for both of my years on the committee. In that capacity, I try to serve as a mentor to the SMCs to which I am assigned. I hold monthly conference calls with my group and submit monthly activity reports to the Membership Chair.

As a member of the Marketing Committees for the Asbestos Medicine Seminar and the Annual Meeting, I have worked to publicize those events and increase attendance. I have participated in regular conference calls and prepared and sent publicity-related email communications to SLDO members and other potential attendees.

I have been privileged to speak on the main stage of the Asbestos Medicine Seminar twice. I have also presented at a breakout session at that seminar. All three of those presentations involved having articles published in the course materials and available on the DRI website (I still get calls from attorneys with questions to this day). In 2017, I was invited by the Defense Counsel of Delaware to be a DRI speaker on deposition practice.

List any leadership roles in other defense organizations.

MassDLA

President	(2011)
Vice President	(2010)
Treasurer	(2009)
Secretary	(2008)
Board of Directors	(1999-2017)
Annual Meeting and Spring Seminar Speaker	(1999)
Annual Meeting and Spring Seminar Speaker	(2000)
Annual Meeting and Spring Seminar Co-Chair	(2001)
Annual Meeting and Spring Seminar Co-Chair	(2002)
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Annual Meeting and Spring Seminar Co-Chair	(2007)
Annual Meeting and Spring Seminar Co-Chair	(2008)
Annual Meeting and Spring Seminar Co-Chair	(2010)

As president, in addition to the typical responsibilities associated with the position, the organization was confronted with the surprise resignation of its Executive Director. Faced with this, I set up a small hiring committee and we secured the services of Stephanie Giancola. I am proud to say that Stephanie still successfully serves as the Executive Director of MassDLA. During my tenure, we were also able to complete efforts to correct accounting and record keeping deficiencies that had been in existence for several past years.

During my tenure as Co-Chair of the Annual Meeting and Spring Seminar, the meeting grew from approximately 100 attendees to consistently over 200. We were also able to significantly increase sponsorship of the event as the years progressed.

ABA – Tort Trial and Insurance Practice Committee

Products Liability Committee Vice-Chair	(2015)
Products Liability Chair Elect	(2016)
Products Liability Chair	(2017)
CLE Board Member	(2016)
CLE Board Member	(2017)
Long Range Planning Committee	(2017)
Ethics and Professionalism Committee	(2016)

Ethics and Professionalism Committee (2017)
 Emerging Issues in Motor Vehicle Product Liability Law
 Seminar – Asbestos Panel Speaker (2010)
 Emerging Issues in Motor Vehicle Product Liability Law
 Seminar – Asbestos Panel Speaker (2011)
 Emerging Issues in Motor Vehicle Product Liability Law
 Seminar – Asbestos Panel Moderator (2012)
 Emerging Issues in Motor Vehicle Product Liability Law
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 Emerging Issues in Motor Vehicle Product Liability Law
 Seminar – Asbestos Panel Moderator (2018)
 Emerging Issues in Motor Vehicle Product Liability Law
 Seminar – Asbestos Panel Moderator (2019)

During my tenure as Chair of the Products Liability Committee, the committee was able to exceed the section’s institutional requirements regarding membership, presentations and publications. The committee received the “Most Innovative Committee” award and I was given a certificate of appreciation from the ABA.

I was also involved with the early planning and presentation of the motor vehicle asbestos/friction portion of the Emerging Issues in Motor Vehicle Product Liability Law Seminar. After my eight years as the moderator of the panel, what started out as an experimental program is now a mainstay at the seminar.

American Conference Institute

- 2015 Asbestos Seminar – Main Stage Presentation
 “What Do You Ask These Guys? – Cross Examining Plaintiffs’ Causation Experts”
- 2016 Asbestos Seminar - Main Stage Presentation
 “Component Part Supplier Claims and Asbestos Equipment Litigation – The Bare Metal Defense: Dispatches from the Front”

Describe your goals if you are elected to the above position.

If elected as a National Director, I realize that I will be joining an exclusive team of extraordinarily dedicated, talented and committed defense attorneys. If so honored, I hope to contribute to and draw from the collective wisdom of the Board to further the interests of DRI, help it grow in profile and stature, better equip it to serve its members and position it to boldly stride into the future. I recognize that this is a tall order, but believe that it, like all worthy goals, is worth the effort.

For DRI to maintain and increase its prestige and relevance, it must continue its CLE excellence, continue to provide and increase its public support for defense oriented but reason based tort policies (perhaps better said, provide a balance to the plaintiffs' bar's public pronouncements and lobbying efforts), continue to increase membership and be willing to adapt and change with the times to accomplish all of this.

My bar association experience is somewhat unique. While working my way up the MassDLA/DRI ladder, I also spent some time with another group, the ABA's Tort Trial and Insurance Practice Section. As described above, I held significant leadership positions with TIPS and achieved success there. It was a valuable experience; I learned a lot, made great friends and I am glad that I had the privilege of doing it. As time moved forward, however, work and life pressures accumulated and I had to choose where I would focus my efforts.

Quite frankly, the choice was an easy one. Given its organizational structure, quality of CLE, financial situation and strength of membership, I believe in DRI's future and am a better fit in DRI. That said, having had the TIPS experience will assist me in serving the DRI Board. I was intimately involved with one of the more successful TIPS stand-alone CLE programs for almost 10 years. I effectively chaired one of the largest and most active substantive law committees in the section. Having lived through the ups and downs of these experiences gives me a perspective that those who have not been active in other organizations may not have.

As noted, I came up through the ranks of the MassDLA, then became the Massachusetts State DRI Representative and am now the Massachusetts State DRI Membership Chair. Given my long and extensive experience on the SLDO side of DRI, I am well equipped to work on the goals outlined above. With the MassDLA, I witnessed first-hand how DRI and SLDOs can work together to achieve what are very often mutual aspirations and objectives. When I was an officer with the MassDLA, we received significant assistance from DRI. This continues today. Not only did DRI provide well-received (and free) speakers for

our Annual Meetings, but when faced with an unexpected trial procedure change (attorney conducted voir dire), we worked with DRI to put together a substantive and badly needed seminar in record time. The assistance went both ways. When the DRI Annual Meeting was in Boston, the MassDLA gave full support, marketed the event and successfully recruited attendees.

Because of my experience working with and through the SLDO/DRI relationship, I was asked to make a joint presentation on the subject at the last Leadership Conference. My work with Glenn Holly and Jodi Terranova in preparing that presentation helped me to appreciate how much the issue needs emphasis. If elected to the Board, I will continue to support DRI collaboration with the SLDOs. It is important, and benefits all concerned.

My recent DRI experience in terms of positions held has focused on membership. I was appointed to the National Membership Committee in 2018. To be sure, this is a vital issue for the sustenance of the organization. To be honest, however, I have always been and still am terrible at asking people to do things, especially things that require a financial commitment. Despite this, I have had some success over the years. This is not due to my salesmanship skills.

In my experience, if accurately described the benefits of DRI membership sell themselves. The CLE and networking opportunities are obvious, but there are other things that DRI offers that, in my view, need to be better communicated to prospective members. *LegalPoint* is just one example. With less effort than a Google search, one can tap into materials from For the Defense, the In-House Defense Quarterly, Committee Newsletters, the Defense Library Services, DRI Seminars and the DRI Defense Wins Reporter. This is an incredible resource and I fear that it is not being publicized nearly enough. If elected to the Board, I will work to do so.

Recruiting new members to DRI really involves the fundamental goal of the organization, which is providing value for membership itself. The two go hand in hand and should be pursued simultaneously. One of the jewels of the DRI is the quality of its CLE programs. In the early 2000s, somewhat by design, my practice developed from traditional insurance defense to focus more on products liability defense. Included with the products work were these pesky cases involving asbestos. To those of you who have not had the pleasure, there are two basic features of this work:

1. Like Liam Nelson in *Taken*, you must develop a particular set of skills.
2. Like wrestling with a gorilla, the gorilla says when it is over.

The DRI Annual Asbestos Medicine Seminar is quite frankly the best program on this area of litigation in the country, and I have attended most of the others. After my first

one, I decided to become involved and joined the marketing team. After a few years, I marshalled some courage and submitted a paper and proposed presentation. Since then, I have spoken on the main stage twice, and in break-out sessions several other times. The opportunity to work with and among the best attorneys and experts in the nation in this field is, to use the most overused word in my kids' vocabulary, awesome. As for items 1 and 2 described above, I now have a network of professionals throughout the country to whom I can and do turn often.

One reason why this seminar is so successful is the outside counsel meeting program with which it is associated. Because of DRI incentives, many institutional clients hold their outside counsel meetings in conjunction with the seminar. This makes the seminar a "must attend" for most asbestos defense lawyers. While this program has been offered for some other DRI seminars, I believe that it will work for most, if not all of them. If elected to the Board, I will work towards expanding this program.

As indicated at the outset, the opportunity to join a group as distinguished as the DRI Board of Directors is both humbling and aspirational to me. I am certain that I can and will learn from everyone on the Board and that, working together, we can keep DRI moving forward with these and other ideas.

What do you believe is the most important issue confronting the defense bar?

The fading emphasis on trial skills, professionalism and civility is the most important issue confronting the defense bar. This is a systemic and generational problem. The increasing rarity of jury trials contributes to it, as does the fact that it is monumentally difficult for younger attorneys to acquire courtroom experience. Evolving demographics also play a role. Law firms are more multi-generational and diverse than ever before. Despite the different values, needs and priorities among us, we must not lose sight of our overarching common goal – to be the best, most decent, civil and professional trial lawyers that we can be. The defense bar needs to stress that we are all engaged in an honorable profession and not just a job.

Define the appropriate role for DRI as the national defense bar organization.

As discussed above, DRI is the preeminent defense organization in the country and should continue to be so. It should work with, and not against, its sister organizations and SLDOs to continue to provide value to its members and to promote policies that benefit the public at large.

But, defense lawyers have an image problem. John Grisham's heroes are never the defense attorneys. Justice is a two way street. Why is it that only when plaintiffs' lawyers win a large verdict has "justice" has been served? Is it not

“justice” when an individual or business wrongfully accused of severely injuring a plaintiff is told by a jury that the tragedy was not his, her or its fault? Having represented such defendants, I can say that it certainly is for them. Best-selling novels, television and movies have glamorized plaintiffs’ attorneys and villainized defense attorneys for years. This must have an effect on juries. DRI speaks for all defense lawyers, members and non-members alike. Working towards improving the public perception of the defense bar is something that DRI can and should do.

Hobbies and/or interests:

The Grateful Dead, UMass football, basketball and hockey, Boston professional sports teams, skiing with family, reading history and keeping goldfish.

Family:

Married to Attorney Laura Richards (28 years). Sons Daniel and Andrew and daughter Lily.