



**Todd & Weld** LLP

## Howard M. Cooper

Founding Partner

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### **Todd & Weld Founding Partner Howard M. Cooper is one of Boston's top trial lawyers.**

Howard M. Cooper brings nearly four decades of experience litigating complex civil and criminal disputes as well as significant civil rights and First Amendment cases for clients across New England and around the country. -His record of success in obtaining favorable results in the courtroom and in alternative dispute resolution forums has earned him the reputation as a "go to" attorney for high-stakes, high-profile matters. -A tireless advocate for his clients, he prides himself on providing hands-on attention to every matter and on being relentlessly responsive and thoroughly prepared.

Since forming Todd & Weld in 1992, Howard has represented a diverse cross-section of businesses, organizations and individuals ranging from health care, religious, retail, education and tribal entities to judges, politicians, physicians, executives, and public figures. He regularly represents plaintiffs and defendants in federal and state trial and appeal courts, in arbitration proceedings and before licensure boards. His approach, which combines practicality, creativity and integrity, always begins with preparing every case for the potential of trial.

Drawing from his deep experience in civil litigation and criminal defense, Howard effectively advises clients when cases involve the interplay of criminal prosecution and civil liability – a situation that occurs frequently. By taking a 360-degree view of these matters, he helps clients understand their potential risks and claims.

Many of Howard's wins, which include obtaining multimillion-dollar jury verdicts for his clients and establishing new legal precedents, have attracted widespread regional and national attention. -Most recently, as lead trial counsel he secured a **\$16.4 million state Superior Court jury verdict** following a 15-day trial on behalf of a major health care provider in a business dispute against a medical practice. - The verdict is one of the largest in Massachusetts in 2022. -His successful defense of a doctor in an eight-week trial in federal court prompted an

editorial in *The Wall Street Journal* decrying governmental overreach in using vague federal drug laws to prosecute physicians. -Howard also prevailed for a prominent Massachusetts judge in a landmark public figure defamation case that underscored the independence of the judiciary.

As head of Todd & Weld's pro bono program, Howard has advanced the firm's long-standing commitment to helping those in need obtain top-flight representation. -Sought-after for insights and commentary on timely legal issues, Howard is frequently quoted in articles appearing in legal journals, business publications and general interest media. -He has been recognized for excellence by *Best Lawyers in America*, *Benchmark Litigation* and *Super Lawyers* and holds Martindale-Hubbell's AV-Preeminent ranking.

## Practice Areas

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- Business Litigation
- Government Investigations and Criminal Defense
- Media, First Amendment, and Defamation Law
- Civil Rights Litigation
- Health Law
- Professional Liability Litigation
- Indian and Tribal Law
- Class Action/Mass Tort Litigation

## Representative Results

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### Criminal Defense

- **Obtained a dismissal of all criminal charges**-against his clients in U.S. District Court in Massachusetts involving "double-breasted" businesses and contributions to a pension fund.- In a highly unusual outcome, the government agreed to dismiss all embezzlement and mail fraud charges involving the firm's clients, a New Hampshire-based asbestos removal company and its owner.- The case involved complex issues as to whether a non-union employer that operates a so-called "double-breasted" business, where the non-union company is paired with a union company, is obligated to make pension fund contributions to the Massachusetts Laborers Benefits Funds in certain circumstances.
- Obtained a federal jury acquittal of a medical doctor on all eight counts of alleged violations of federal drug distribution laws and conspiracy.- The doctor, Joseph P. Zolot, was a Needham, Mass.-based pain medicine physician whose office was raided by the government, after which he was indicted on multiple counts of unlawfully prescribing opioids such as OxyContin, Fentanyl and Methadone to patients.- A first trial ended in a hung jury.- The U.S. Attorney's Office decided to retry the case, which resulted in the jury acquittal following 26 days of trial and 23 hours of deliberation.
- Successfully defended Judge Leon Kendall against criminal contempt charges alleging that he had obstructed justice and disobeyed an order of the Virgin Islands Supreme Court in refusing to preside over a first-degree murder trial after discovering gross prosecutorial misconduct.- The 3rd-U.S. Circuit Court of Appeals, in a case of first impression, exonerated Judge Kendall on all charges.-*In Re: The Honorable Leon*

*Kendall*, No. 11-4471 (2013).-

## Defamation

- In a widely reported case, obtained a \$2.1 million jury verdict on behalf of Massachusetts Superior Court Judge Ernest Murphy against *The Boston Herald*.- The decision has been hailed nationally as a landmark public figure defamation case important to the independence of the judiciary.- The Massachusetts Supreme Judicial Court upheld the jury verdict in favor of the judge.-*Murphy v. Herald*, 449 Mass. 42, 865 N.E.2d 746 (2007).- In its unanimous decision, the SJC commented that, because of Mr. Cooper's cross-examination of the *Herald*-reporter who wrote the stories about Judge Murphy, the reporter's credibility at trial was left "in tatters."

## Civil Rights

- Facilitated the settlement of a highly publicized, contentious dispute involving his client the Islamic Society of Greater Worcester and the Town of Dudley-over the siting of an Islamic cemetery-in that town.-
- Successfully represented a Boston-area Islamic group in connection with their building of a mosque and cultural center in Roxbury, Mass.- Post 9/11, the group came under attack from Islamophobic organizations.- Mr. Cooper's representation of the Muslim community in that case has been widely described as courageous.- He received an award presented by Boston-area Muslims thanking him for his commitment to civil rights and religious freedom.

## Business Litigation

- As lead trial counsel, obtained a **\$16.4 million jury verdict**-following a 15-day trial-on behalf of a major health care provider in a business dispute against a medical practice.- The verdict was-one of the largest in Massachusetts in 2022. -
- Persuaded a Massachusetts Superior Court judge to grant a preliminary injunction to their clients in a shareholder dispute involving control of a medical cannabis dispensary and cultivation company.
- Persuaded the U.S. Court of Appeals for the Federal Circuit to reject the argument of defendants that the America Invents Act overrides a bar to appellate review of a remand order to state court.- The **precedential ruling**-defines the limits of appellate review of a remand order related to patent counterclaims.
- Obtained the first known ruling in Massachusetts applying the Commonwealth's breach of contract statute of limitations despite a choice-of-law provision in a corporate operating agreement stating that Delaware law controls all disputes related to the agreement.

## Class Action

- Persuaded federal court judge to dismiss a class action complaint filed by several former Mount Ida College students arising from the college's closure in 2018.

## Experience

- Founding Partner, Todd & Weld LLP, 1992-present
- Hale and Dorr LLP, Boston, Massachusetts, 1984-1991
- Instructor, Boston University School of Law, Boston, Massachusetts, 1989-1992

## Bar Admissions

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- Massachusetts
- U.S. District Court, Massachusetts
- U.S. Court of Appeals, First Circuit
- U.S. Court of Appeals, Third Circuit
- U.S. Supreme Court

## Education

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- Boston University School of Law (J.D., *magna cum laude*, 1984) Case and Note Editor, American Journal of Law and Medicine, 1983-1984; Liacos Distinguished Scholar, Hennessey Distinguished Scholar, Tauro Distinguished Scholar
- Union College (B.A., *summa cum laude*, 1981) Phi Beta Kappa, Pi Sigma Alpha, Idol Prize for Creative Writing, Yudis Prize for Creative Writing, Stanley Becker Scholarship Recipient

## Professional Activities

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- Member Board of Directors, Massachusetts Association of Criminal Defense Lawyers,-2017-present
- Boston Bar Association
- Massachusetts Bar Association
- Massachusetts and National Associations of Criminal Defense Lawyers
- Criminal Justice Act Panel Attorney,-1994 to present
- Member,-Massachusetts Bar Association Fair and Impartial Judiciary Strike Force,-2009-2010

## Honors and Awards

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- Named by-*Best Lawyers in America*-as 2019 Civil Rights Law "Lawyer of the Year" in Boston
- Named by-*Best Lawyers in America*-as 2018 First Amendment Law "Lawyer of the Year" in Boston
- Named by-*Best Lawyers in America*-as 2017 Civil Rights Law "Lawyer of the Year" in Boston
- Named by-*Best Lawyers in America*-as 2015 First Amendment Law "Lawyer of the Year" in Boston
- Named Litigation Star in Benchmark Litigation (2021-2022)
- Top 100 Lawyers, 2021 Massachusetts-*Super Lawyers*
- Since 2006, regularly named to-*Best Lawyers in America*-for Civil Rights Law; Commercial Litigation; and First Amendment Law

- Named to Top 100 Massachusetts-*Super Lawyers*-for General Litigation and Top 100 Lawyers in New England for General Litigation, 2015-2019
- Named to Top 100 Massachusetts-*Super Lawyers*-for General Litigation, 2012-2014, 2020
- Since 2004, regularly named to Massachusetts-*Super Lawyers*-for General Litigation
- Named one of "Boston's Top Rated Lawyers" by Legal Leaders™ based upon AV Preeminent Rating® by Martindale-Hubbell®-February 2014
- Honored with the 2010 Lawyer Award by the National Lawyers Guild
- Named to-*Massachusetts Lawyers Weekly*-"Power List,"-December 2009
- Named by-*Massachusetts Lawyers Weekly*-in 2005 as one of its Top10 "Lawyers of the Year"

## In the Community

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- Board of Directors Member, ACLU of Massachusetts, 2022-present
- Member of the Board, Massachusetts Children Trust, 2011-present
- Member of Executive Committee, Boston University School of Law Alumni Association,-2011-present
- Editorial Board,-*Lawyer's Weekly*,-1998-2003
- Chairman of the Board, Alliance for Children Foundation, Inc.
- Co-Founder, Bear Spot Foundation for Equine Assisted Psychotherapy

## News & Insights

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- Howard Cooper offers analysis of federal court ruling barring government contact with social media companies
- 17 Todd & Weld Attorneys Selected to Boston Magazine's 2022 Top Lawyers
- 30 Todd & Weld attorneys named 2022 Massachusetts Super Lawyers and Rising Stars
- Nineteen Todd & Weld attorneys named to 2023 Best Lawyers in America
- Howard Cooper appointed to Board of Directors of ACLU of Massachusetts
- Firm's defense of media outlet in high-profile defamation case highlighted in news article
- Law360 quotes Howard Cooper on 'Varsity Blues' sentencing disparity
- 30 Todd & Weld attorneys named 2021 Massachusetts Super Lawyers and Rising Stars
- Nick Carter, Howard Cooper, Ingrid Martin, and Gary Todd named to 2021 Top 100 Super Lawyers List
- Sixteen Todd & Weld attorneys named to 2022 Best Lawyers in America
- Howard Cooper in news article offers assessment of nomination of Rachel Rollins to U.S. Attorney
- Todd & Weld receives Law Firm Pro Bono Award at MBA's Access to Justice event
- Joseph Cacace quoted in Boston Globe on potential payments to immigrant families separated at border
- Howard Cooper quoted in Law360 article assessing likely changes in priorities of U.S. Attorney's Office in wake of presidential election

- Howard Cooper, Ingrid Martin, and Gary Todd named to 2020 Top 100 Super Lawyers List
- 30 Todd & Weld attorneys named 2020 Massachusetts Super Lawyers and Rising Stars
- Firm attorneys recognized as Litigation Stars in Benchmark Litigation 2021
- Seventeen Todd & Weld attorneys named to 2021 Best Lawyers in America
- Howard Cooper, Ingrid Martin named to 2019 Top Super Lawyers Lists
- 31 Todd & Weld attorneys named 2019 Massachusetts Super Lawyers and Rising Stars
- Fifteen Todd & Weld attorneys named to 2020 Best Lawyers in America
- Howard Cooper quoted in Law360 article on fallout of Boston Calling extortion verdict
- Howard Cooper featured in article on high-profile defamation case
- Howard Cooper quoted in news article on charter school lawsuit against state education officials
- Howard Cooper, Maria Davis file amicus brief in support of school officials and teachers in legal dispute over curriculum
- Howard Cooper, Joseph Cacace argue in federal court against dismissal of case seeking damages for migrant children separated from families at border
- Howard Cooper, Ingrid Martin provide expert commentary in article on increase of opioid-related prosecutions
- 30 Todd & Weld attorneys named 2018 Massachusetts Super Lawyers and Rising Stars
- Ingrid Martin, Victoria Steinberg named to Top 50 Super Lawyers Lists, and Howard Cooper and Max Stern named to Top 100 Lists
- Children sue Trump Administration officials for damages in class action over trauma caused by unlawful detention and separation from their parents
- Fourteen Todd & Weld attorneys named to 2019 Best Lawyers in America
- Howard Cooper honored by Best Lawyers in America as Civil Rights Law 'Lawyer of the Year' in Boston
- Todd & Weld attorneys recognized in New England's Best Lawyers publication
- NBC Boston airs report on firm's class action vs. City of Methuen over faulty and coercive OUI form
- 24 Todd & Weld attorneys named 2017 Massachusetts Super Lawyers and Rising Stars
- Jeffrey Catalano, Howard Cooper, and Max Stern named to Top 100 Super Lawyers Lists
- Ten Todd & Weld attorneys named to 2018 Best Lawyers in America
- Howard Cooper honored by Best Lawyers in America as First Amendment Law 'Lawyer of the Year' in Boston
- Howard Cooper quoted in news article on court decision denying ex-company officers access to corporate communications
- Howard Cooper quoted in Lawyers Weekly article on court victory
- Howard Cooper interviewed on Lawyer 2 Lawyer podcast addressing relationship between the media and President Trump
- Howard Cooper quoted in article on due process concerns in attorney disciplinary matters

- Howard Cooper Honored by Best Lawyers in America as Boston Civil Rights Law 'Lawyer of the Year'
- Eight Todd & Weld attorneys named to 2017 Best Lawyers in America

## Results

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- Firm wins \$16.4M jury verdict on behalf of health care organization
- Judge rejects government's request to dismiss suit seeking compensation, mental health care payments for children forcibly separated from families at border
- Firm obtains settlement of Dershowitz defamation case, including accuser's statement of potential mistaken identity
- Firm wins \$16.4M jury verdict on behalf of health care provider
- Housing Court imposes 'use and occupancy' fees on alleged trespasser
- Doctor's whistleblower complaint time-barred
- Firm obtains \$30M breach of contract settlement for auto executive
- Firm obtains preliminary injunction in shareholder dispute litigation
- Federal judge dismisses class action against firm client in case involving Mount Ida College closure
- Federal judge allows civil rights lawsuit to proceed against City of Methuen over faulty and coercive OUI form
- Firm obtains first MA decision applying state's statute of limitations despite Delaware choice-of-law provision
- Howard Cooper, Joseph Cacace obtain precedential ruling defining limits of appellate review of remand order related to patent counterclaims
- Howard Cooper, Benjamin Wish obtain dismissal of federal criminal case