

Richard M. Zielinski

Director

rzielinski@goulstonstorrs.com

Boston: +1 617 574 4029



Richard Zielinski, who practices in our Boston and New York offices, is a nationally known 'bet the company' trial lawyer who handles a wide range of complex, high-stakes commercial litigation. He is also known for his specific expertise in legal malpractice defense.

According to Chambers USA, Richard is 'very smart, thorough and knowledgeable.' Clients say he is 'fantastic on his feet' and 'thinks seven steps ahead of everyone else.'

He has extensive trial experience in a wide range of business and real estate disputes, having handled cases involving the financing and construction of large office towers, breach of contract, partnership disputes, unfair competition, lender liability and cases under the Massachusetts Consumer Protection Act (Chapter 93A).

Richard is also well known for his representation of major law firms throughout the United States in malpractice cases, disciplinary matters and intra-firm disputes. In 2015, 2019 and 2021 he was named Boston's Legal Malpractice Defense *Lawyer of the Year* by peer-reviewed *Best Lawyers in America*, recognizing his leading work in legal malpractice defense in Boston. The *Lawyer of the Year* recognition is only awarded to individuals with the highest overall peer feedback for a specific practice area and geographic region. Additionally, in 2019, Richard was named a "Litigation Trailblazer" by *The National Law Journal* for his visionary work defending high-stakes malpractice and related cases for the largest and most prominent law firms.

He also defends manufacturers in products liability, mass tort and class action cases, and has been named *Lawyer of the Year* in these practice areas in the past as well. Representative clients include those from the pharmaceuticals, electrical products and tobacco industries.

Richard is a Fellow in the American College of Trial Lawyers, the highest professional honor a trial lawyer can receive.

Accolades

- *The National Law Journal*, Litigation Trailblazer, 2019

- *Chambers USA*, Litigation: General Commercial, Massachusetts, Band 1
- Martindale Hubbell Peer Review Rated AV Preeminent™
- Best Lawyers, Boston Legal Malpractice Law - Defendants "Lawyer of the Year," 2015, 2019, 2021
- Best Lawyers, Boston Product Liability Litigation - Defendants "Lawyer of the Year," 2012 and 2014
- Best Lawyers, Mass Tort Litigation/Class Actions - Defendants "Lawyer of the Year," 2013
- Best Lawyers, Bet The Company Litigation, Commercial Litigation, Legal Malpractice Law - Defendants, Personal Injury Litigation - Defendants, Mass Tort Litigation/Class Actions - Defendants and Product Liability Litigation Defendants, 2005-2021
- "America's Leading Business Lawyers," *Chambers USA* 2006-2016
- Fellow, American College of Trial Lawyers
 - Massachusetts State Committee Chair, 2007-2009
 - Chair, Standing Committee on the Teaching of Trial and Appellate Advocacy, 2003-2005
- Massachusetts Super Lawyers, 2004 - 2016, 2019-2020
 - Top 100 in Massachusetts and New England, 2007-2016
 - Top 10 in Massachusetts, 2010
- Scholar-Mentor Award, MCLE, 2016

Affiliations

- Fellow, American College of Trial Lawyers (1998-present)
 - Chair, Massachusetts State Committee (2008-2009)
 - Chair, Teaching Trial and Appellate Advocacy (2004-2005)
 - Member, National Trial Competition Committee (2015-present)
- Member, Massachusetts Board of Bar Overseers (1999-2002)
- Trustee, Massachusetts Continuing Legal Education, Inc. (2007-2016)
- Member, Boston Bar Association (1980-present)
 - Council Member (1997-2000)
 - Past Chair, Professional Liability Committee
 - Co-Chair, Administration of Justice Section (2001-2003)
 - Co-Chair, John and Abigail Adams Gala (2018)

Admissions

- Massachusetts
- District of Columbia
- New York

Education

- Harvard Law School (J.D., *cum laude*, 1980)
- Colgate University (B.A., *summa cum laude*, 1977)

Representative Matters

Defense of Legal Malpractice

Representation of national law firms in defense of malpractice and disciplinary claims of conflict of interest.

Arbitration Trials of Legal Malpractice Claims

Recently prevailed in two separate arbitration trials involving legal malpractice claims against an Am Law 100 law firm client.

Defeated Class Certification in Putative Class Action

Successfully defeated class certification in a putative class action against a Massachusetts-based public company under the Telephone Consumer Protection Act, 47 U.S.C § 227. The trial court ruled that the plaintiff could not maintain a nationwide class action under the TCPA in a Massachusetts state court. The decision was affirmed on appeal.

Products Liability Defense of Major Tobacco Company

Defended a major tobacco company in hundreds of products liability cases including individual and class actions, and the Medicaid reimbursement actions brought by various state attorneys general in the mid-1990s.

Defense of Valve Manufacturer

Defended a Birmingham, Alabama valve manufacturer in a \$300M+ case arising out of a catastrophic explosion at a petrochemical processing plant located near Houston, Texas.

Representation of Developers of Large Office Complex

Successfully represented the developers of the largest office complex in Boston in a \$300M+ dispute with their lender. The lender sought to avoid its funding commitment due to an economic downturn, claiming the developer had been rendered "insolvent." A federal court judge disagreed and granted summary judgment from the bench.

Defense of Canada's Largest Wireless Communications Company

Defended Rogers Communications, Canada's largest wireless communications company, in an action seeking damages and injunctive relief for alleged misappropriation of trade secrets and breach of contract in connection with unsuccessful negotiations to license the plaintiff's wireless technology. The case was dismissed based on the successful invocation of a contractual forum selection clause.

World Renowned Physician and Scientist Representation

Represented a group of world renowned physicians and scientists in various civil and criminal proceedings relating to the arthritis drug, Vioxx.

Publications

December 3, 2019

Bloomberg Law: Legal Malpractice - The Rise of Claims by Non-Clients

Bloomberg Law

December 2, 2019

Bloomberg Law: Legal Malpractice - Reducing Your Law Firm's Exposure

Bloomberg Law

October 2015

What's Market? Update: Litigation

October 2014

Settlement Pact Not Violated By Disclosure in New Lawsuit

August 2014

Does the Attorney-Client Privilege Protect Communications With A Company's Outside Consultants?

Passion for Teaching

Richard has a deep passion for teaching. For nearly a decade, he served on the Board of Trustees for Massachusetts Continuing Legal Education (MCLE), while teaching dozens of innovative litigation seminars.

In October 2016, MCLE presented Richard with its prestigious Scholar Mentor Award for his success in "raising the bar" in legal education. In recent years, he created and chaired a ground-breaking series of seminars entitled: "A Conversation with Legends," which involved a series of one-on-one 'fireside chats' with experienced trial lawyers.

For more than 25 years, Richard has also been a regular guest faculty member in the Harvard Law School Trial Advocacy Workshop.

As chair of the American College of Trial Lawyers Standing Committee on the Teaching of Trial and Appellate Advocacy, Richard spearheaded a national program to provide trial advocacy training to public interest lawyers.