



**JOANNE D'ALCOMO**

Partner

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Joanne D'Alcomo is a partner in the Litigation Group. With more than two decades of civil litigation experience at the trial and appellate levels and an extensive background advising clients in the handling of conflicts in a broad range of contexts, she represents individuals and corporations in contract, fraud, partnership, libel, defamation and other disputes, and in claims involving unfair or deceptive practices or interference with business relations. Joanne also represents corporate and individual policyholders in coverage disputes or conflicts with insurers as well as matters involving statutory and constitutional issues. In addition to her business litigation work, she also represents individuals who have suffered serious personal injuries and is often called upon to evaluate cases after they have been adjudicated at the trial court level to assess prospects for appeal and to handle briefing and argument on appeal.

#### NOTABLE EXPERIENCE

- Won summary judgment establishing breach of a royalty contract for a medical device consultant. Successfully tried the case before a jury to prove damages and protected the results when challenged on appeal.
- Won multiple jury trials against an insurance companies establishing disability insurance coverage for policyholders after the insurers had refused to pay benefits.
- Successfully represented a hotel consultant in a claim for compensation based on an unexecuted contract, defeating summary judgment and securing a settlement prior to trial.
- Proved corrupt activity by a large, nation-wide contractor in the municipal procurement process and established a violation of the Massachusetts Unfair and Deceptive Practices Act.
- Working with multiple subject experts, negotiated a settlement prior to trial in a wrongful death case resulting from an asphalt tank explosion.
- Reached a settlement mid-trial in a business finder's claim for unpaid fees based on interference with contractual relations.
- Obtained an injunction blocking a firm from marketing its construction services with phrases similar to those used by the plaintiff lumber company.
- Won a month-long trial on claims based on fraudulent transfers of stock and a promissory note.
- Won a trial on behalf of an electric supply company on trademark issues, securing a permanent injunction barring the defendant from using a similar trade name.
- Represented corporate and individual policyholders in the successful resolution of disputes with insurers over coverage for losses and the defense of lawsuits.
- Negotiated a pre-trial settlement for a Big Dig construction worker who was injured and had to undergo partial amputation.

- Won a jury trial for a high-earning, commissioned salesperson against a former employer for retroactively reduced commissions. Successfully upheld the results on appeal and succeeded in overturning the dismissal of state Wage Act claims that had been dismissed prior to her representation of the client.
- Won a jury trial for a tractor-trailer driver injured when his vehicle overturned due to the defendant's negligent inspection and maintenance.
- Successfully defended a franchisor against a lawsuit brought by plaintiff franchisees and ex-franchisees who had sought to establish a class action.
- Won a trial involving a dispute of Board of Directors membership of Delaware corporation.
- Won a successful judgment for a claim by a terminated employee of fraud, interference with contractual relations, and slander.
- Won a three-week arbitration establishing breach of an executive employment contract and breach of an oral contract to provide an executive with an annuity.
- Served as co-counsel on a nationwide class action challenging the constitutionality of a federal statute, resulting in a preliminary injunction that suspended enforcement of the statute and in a settlement of over \$70 million despite a later decision vacating the injunction.
- Successfully co-tried a case before a jury establishing breach of a partnership agreement and an ousted partner's entitlement to a one-third share of a temporary staffing agency.
- Represented a commissioned salesperson terminated after landing lucrative contracts but prior to receiving commissions. Negotiated a settlement after defeating the defendant employer's efforts to dismiss the claims.
- Acted as co-counsel in a successful federal constitutional challenge to a provision of the Massachusetts Criminal Offender Record Information Act barring access to certain records of criminal cases in state courts, altering a long-standing decision of the state's highest court.
- Successfully co-tried a corporate insurance coverage dispute involving an insurer's failure to pay settlement and defense costs. Prepared an appellate brief that resulted in an affirmance of the decision.
- Obtained a successful judgment in a case challenging the Boston Police Department's refusal to disclose files relating to a probe of police misconduct during the nationally controversial Carol DiMaiti Stuart murder investigation.
- Served as co-counsel in litigation successfully challenging, on constitutional grounds, a state statute barring public access to certain court records.

## BAR ADMISSIONS

- Commonwealth of Massachusetts
- United States District Court, District of Massachusetts
- United States Court of Appeals for the First Circuit

## MEMBERSHIPS

- American Association for Justice
  - Massachusetts Academy of Trial Attorneys
  - Public Education Committee, 1994-1995

- Massachusetts Bar Association
  - Litigation Section Council 1997-2000, Vice Chair 1998-1999
  - Committee on Lawyer Advertising, 1994-1995
- Boston Bar Association
  - Member, Litigation Steering Committee, 1998-2002
  - Chair, Tort Committee, 1998-2000
- Fellow, International Society of Barristers

## AWARDS AND PROFESSIONAL RECOGNITION

- AV Peer Rated by Martindale Hubbell
- Appointed Special Assistant Attorney General of Massachusetts in tobacco litigation
- Recipient, Distinguished Citizen Award, Association for Retarded Citizens of Massachusetts

## EDUCATION

- Boston University School of Law, Juris Doctor, *cum laude*
- Boston University, Bachelor of Science, *cum laude*

## PUBLICATIONS AND SPEAKING ENGAGEMENTS

- Contributing Author, *Appellate Practice in Massachusetts* (MCLE 1995, 2004, 2008)
- Speaker, Pleading Tips in Business Litigation, Boston Bar Association Tort Committee (2008)
- Chair, Federal Court Practice, Massachusetts Continuing Legal Education (1997-2005, 2007-2008)
- Chair, Trying Cases in Massachusetts Superior Court, Massachusetts Continuing Legal Education (2000-2004, 2007)
- Speaker, Application of the Massachusetts Wage Act to Commissions, Massachusetts Employment Lawyers Association (2007)
- Chair, Effective Use and Preparation of Experts, Massachusetts Continuing Legal Education (2005)
- Panelist, Superior Court Judicial Forum, Massachusetts Continuing Legal Education (2005)
- Panelist, Federal Court Judicial forum, Massachusetts Continuing Legal Education (2004)
- Panelist, Annual Business Litigation Conference, Massachusetts Continuing Legal Education (2002, 2004)
- Contributing Author, *Business Torts in Massachusetts* (MCLE 2002)
- Panelist, Chapter 93A Unfair and Deceptive Practices, Massachusetts Continuing Legal Education (1999-2002)
- Co-author, Massachusetts Civil Practice: Appeals (Lawyers Coop 1997)
- Contributing author, *State Freedom of Information Act* (MCLE 1993)