



JOSEPH D. LIPCHITZ

PARTNER

Boston
131 Dartmouth Street
Suite 501
Boston, MA 02116

Phone number: (617) 912-0916
Fax number: (857) 400-3788
joseph.lipchitz@saul.com

SERVICES

Litigation
Commercial Litigation
Employment Litigation
First Amendment Media
Force Majeure Litigation
Shareholder Litigation
White Collar and Government
Litigation
Appellate
Life Sciences and IP Litigation
Consumer Financial Services
Litigation

INDUSTRIES

Financial Services
Higher Education
Health Care
Cannabis Law

Joe Lipchitz represents businesses, officers, directors, and high-level executives in the technology, health care, financial services, and media industries in civil litigation nationwide, particularly in high-stakes disputes. Drawing on his more than 20 years of experience as a trial lawyer, Joe handles complex commercial cases, including those involving allegations of defamation, fraud, breach of fiduciary duty and employment misconduct. He represents both companies and individuals in a wide array of shareholder disputes, including post-closing merger and acquisition disputes. Joe also represents law firms and partners in high-stakes legal malpractice cases, which also includes counseling law firms on how to minimize the risk of such malpractice claims. He is named to *The Best Lawyers in America* list for commercial litigation.

Joe also represents and counsels numerous businesses, media entities, newspapers, journalists, and well-known personalities in matters relating to defamation claims and other First Amendment issues. He is the co-editor of the Massachusetts Superior Court Civil Practice Jury Instructions, published by Massachusetts Continuing Legal Education, and is also the author of the defamation pattern jury instructions for that work. Among his notable work in this area of the law are his victories in two seminal defamation cases, *Scholz v. Delp*, 473 Mass 242 (2015) and *Astra USA v. Bildman*, 455 Mass. 116 (2009).

As a former military prosecutor in the U.S. Army Judge Advocate General's Corps, Joe approaches litigation in a disciplined and aggressive fashion. Equally importantly, he utilizes mediators, discovery masters, and arbitrators to efficiently resolve disputed issues or to streamline cases short of trial.

In addition to his Massachusetts and Texas bar admissions, Joe is licensed before the U.S. Supreme Court, the Second Circuit Court of Appeals, and the Massachusetts federal district court.

EXPERIENCE

Fraud and Breach of Fiduciary Duty

Select representations include:

- An international pharmaceutical company in an eight-week fraud, conversion, and breach of fiduciary duty case against its former CEO, resulting in an verdict exceeding \$1 million for the pharmaceutical company, and then succeeded on appeal in obtaining equitable forfeiture of the executive's salary, bonuses, and stock grants, yielding an \$18 million judgment.
 - A high-profile hedge fund manager in a two-week jury trial involving allegations of securities fraud under the Massachusetts Uniform Securities Act as well as unfair and deceptive trade practices. In its verdict in favor of the client, the jury found no misrepresentation in connection with the offering of interests in a hedge fund. Shortly thereafter, the presiding judge of the Business Litigation Session found that the client had not engaged in any unfair and deceptive acts under the Massachusetts statute.
 - A corporate president and his company in a six-week bench trial in the Massachusetts Business Litigation Session involving fraud allegations. Successfully defended the clients and obtained a multimillion-dollar judgment on their counterclaims for fraud and breach of contract, which was recognized as one of the top bench verdicts for 2005 by Massachusetts Lawyers Weekly.
-

Post-Closing M&A Disputes, Shareholder Disputes and Intra-Corporate Issues

Select representations include:

- A former CEO and business owner in a dispute with a publicly-traded conglomerate that bought his company. The acquiring company refused to pay certain post-closing price adjustments as required in the purchase and sale agreement. Obtained a multimillion-dollar settlement for the client.
 - A Massachusetts security software company in an arbitration claim against a Fortune 100 company for breaching a complex software development agreement. Obtained a multimillion-dollar settlement for the client.
-

Defamation, Media & First Amendment

Select representations include:

- An international pharmaceutical company in a defamation claim by its former CEO, who alleged that he was libeled by the company's press release and other statements about his misconduct. The defamation claim was dismissed on summary judgment with the court ruling that he was a limited purpose public figure. This decision was affirmed by the Massachusetts Supreme Judicial Court on appeal, with former Chief Justice Margaret Marshall recognizing it as one of her most "notable decisions" under the category of free speech.
- A major metropolitan newspaper in a defamation suit filed by Tom Scholz, a founder of the rock band BOSTON, who claimed its articles "implied" he was responsible for the death of former lead singer Brad Delp. His claims were dismissed on summary judgment, with the court assessing over \$132,000 in costs in favor of the client. These rulings were affirmed by the Massachusetts Supreme Judicial Court in a seminal decision on the law governing opinion under the First Amendment.
- A health care system and its senior officers in a defamation action filed by a former doctor after termination of his privileges. The defamation claim was

dismissed.

- A life sciences company in stopping a competitor from using false and defamatory statements in a side-by-side comparison with customers and industry stakeholders.
-

HONORS

Named to *The Best Lawyers in America* list, Commercial Litigation, 2018 to present

Selected for inclusion in Massachusetts *Super Lawyers*, 2011 to 2012, 2014 to present

Selected to the Rising Stars list, Massachusetts *Super Lawyers*, 2005 to 2008, 2010

Martindale-Hubbell AV Preeminent

MEMBERSHIPS AND AFFILIATIONS

Massachusetts Bar Association

- Business Law Council
- Arbitrator, Fee Dispute Resolution Board

American Bar Association

Board of Trustees, Beth Israel Deaconess Hospital-Needham

EDUCATION

J.D., *magna cum laude*, Suffolk University Law School, 1996

B.A., *cum laude*, Gettysburg College, 1993

BAR ADMISSION

Massachusetts

Texas