

## Massachusetts Powerhouse: Foley Hoag

By **Alison Noon**

*Law360, Boston (August 28, 2018, 5:56 PM EDT)* -- Foley Hoag LLP is distinguished as a trusted, familiar confidant to Massachusetts' most prestigious institutions, a Boston Red Sox firm of choice and the driving legal force behind the just-announced move of its minor league affiliate, the Pawtucket Red Sox, from Rhode Island to the Bay State.

But it's the firm's unrivaled administrative law practice, deep roots in Boston and dedication to the region's economy-driving companies in the life sciences, health care and emerging technologies that have cemented Foley Hoag's position as a Massachusetts Powerhouse in the inaugural year of Law360 awards in New England.

As the firm celebrates its 75th anniversary in 2018, co-managing partner Kenneth S. Leonetti reflected on Foley Hoag's historical dedication to diversity — rising as the city's first major non-denominational law firm and having a hand in enforcing state laws prohibiting housing discrimination in the 1940s.

"It's been part of the firm's DNA from the beginning," Leonetti said. "Hiring the best without regard to religion, race or gender."

Foley Hoag has since maintained a strong presence in the steadily expanding Boston legal market and is regarded as a premier landing spot not only for talented, self-starting attorneys but also top civil servants who leave public life in Massachusetts.

Among its partners, the firm boasts former state Attorney General Martha Coakley and the first head of the state's modern Department of Transportation, Jeffrey B. Mullan.

What attracts them? "It's really the firm culture and a deep respect for the public realm and public spaces and public issues," Mullan said, adding that he's also proud to address inequality issues as a trustee of the firm's charity, the Foley Hoag Foundation.

Co-chair of the firm's best-known practice, the administrative law department, Mullan was drawn to state government in 2007 only to return to Foley Hoag in 2011 as the outgoing secretary of transportation.



“Foley has always been the kind of place where, if you deem it worthwhile and you feel the work will be both satisfying and beneficial, to the client and to the firm — they’re very entrepreneurial, so Foley has encouraged people to pursue alternative career paths and get involved in these kinds of issues, at least since my coming here 25 years ago,” Mullan said. “And the reason that I came back was I enjoyed being part of that culture. It’s a really terrific place to work and I feel fortunate to have the opportunity to do that.”

Born and raised in Worcester, Mullan may have been destined to play a role in bringing Triple-A baseball to his hometown. Foley Hoag facilitated it. The ink is still drying on the deal, but Mullan is already working toward the development of Worcester’s new stadium. He also counsels the Massachusetts DOT and Massachusetts Bay Transportation Authority on the Green Line Extension, South Station air rights and the Allston interchange project.

Among the firm’s other notable cases, Coakley, Michael B. Keating and Rachel Hutchinson kicked off a legal battle in the fall of 2017 that brought public attention to the Berkshire Museum’s previously undisclosed plan to sell 40 of its most valuable works, including two Norman Rockwell paintings, to avoid closing its doors.

The firm represents Massachusetts’ biggest names in higher education and research. Martin F. Murphy and Michael P. Boudett recently helped Harvard defeat claims that its tenure process was biased against women while DeAnn Smith and Philip Choi are fighting for Dana-Farber Cancer Institute’s alleged stake in six cancer immunotherapy patents.

Seth D. Jaffe and Stephen L. Bartlett are representing a group of electricity generators taking on Massachusetts’ clean air rules, but the firm has also been expanding its work in the alternative energy sector. Foley Hoag’s Adam Wade, Adam Kahn, Zachary Gerson and Erica Harrington represented Vineyard Wind LLC in its winning bid to provide the state’s first utility-scale offshore wind power.

Alexander J. Aber, co-chair of the firm’s M&A practice, said the team has been expanding and is currently hiring, which is not surprising with entities like Dell Technologies Inc. among its clientele. Aber took Foley Hoag’s long-standing relationship with Massachusetts-based EMC Corp. to the next level with a secondment in 2007. For years after, EMC called on him to construct major deals. After Dell Inc. bought and merged with EMC in 2016, the successor companies kept calling.

“What’s been great is I’ve had the good fortune to continue to work with Dell post-EMC acquisition, so now we’re doing transactions for Dell,” Aber said. “We’re one of their go-to law firms for M&A work even though they’re headquartered in Texas.”

He quarterbacked two of the firm’s transactions that surpassed the billion-dollar mark in the last 18 months. In 2017, he led Dell EMC’s \$1.6 billion divestiture of its Enterprise Content Management business, then worked with peers Adrienne Ellman and Michael Ginzburg to guide Inovalon Inc.’s \$1.2 billion acquisition in March of another cloud-based health care data company, Ability Network Inc. Aber pointed out that, in representing Inovalon, they led a public company in Maryland in purchasing a Minnesota company.

“The mothership is here in Massachusetts and it’s going to stay that way, but that doesn’t hinder us from doing global deals and handling global disputes,” Aber said.

Ellman and other Foley Hoag members Joseph J. Basile, John D. Patterson Jr., Daniel S. Clevenger, Robert W. Sweet Jr. and Gabrielle A. Bernstein recently saw engineering company Exa Corp. through its \$400 million sale to French software company Dassault Systèmes. And Leonetti said Foley Hoag regularly handles commercial arbitration in European states as well as African nations.

The firm this summer began offering 18 weeks of paid parental leave to all parents — fathers as well as mothers who do not birth their children.

Aber was one of several Foley Hoag partners who told Law360 they couldn't imagine working anywhere else. "I'm a lifer at the firm," said Aber, who joined Foley Hoag as a summer associate and eagerly returned after it exceeded his expectations.

The firm has matched the thriving Boston industry, growing to 196 attorneys at its headquarters in Seaport, the hub's hottest neighborhood. Just this month, Foley Hoag snagged a revered finance partner from another Massachusetts Powerhouse, Ropes & Gray.

Foley Hoag has maintained a satellite branch in Washington, D.C., since the mid-1980s, opened an office in Paris in July 2011 and launched its newest location in midtown Manhattan in May 2015.

"We are sensitive to not growing too fast that we lose our identity and our culture; we want to grow smartly and sensitively," Aber said. "At the same time, we want to make sure we continue to grow and keep the pipeline of talent coming."

--Additional reporting by Darcy Reddan. Editing by Orlando Lorenzo.