

Richard G. Baldwin

Partner

Boston

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Rich Baldwin is a partner in the firm's Litigation Department. His litigation practice has three areas of emphasis: commercial disputes, product liability and toxic tort defense, and bankruptcy litigation. Rich represents individuals, companies, and foreign sovereigns in state and federal courts and domestic and international arbitration on commercial matters ranging from contract disputes to non-competition agreements to securities litigation. As a senior member of a national counsel team, he defends a publicly traded industrial products manufacturer against asbestos-related claims in cases across the country. Rich also represents debtors, creditors, examiners and other professionals in bankruptcy matters. Rich has expertise in coordinating and managing all phases of complex litigation, including extensive experience developing and implementing discovery protocols and making use of vendors and tools to manage large document productions and analysis.

In addition to his litigation practice, Rich maintains an active pro bono practice. He has represented dozens of clients in housing, domestic violence, immigration, and special education matters. Rich also participates in the firm's pro bono representation of individual debtors in Chapter 7 bankruptcy proceedings, representing debtors from the initial planning for the filing of the bankruptcy petition through the granting of a discharge of the debtor's debts.

As a law student, Rich was an editor of the *Boston College Law School Uniform Commercial Code Reporter-Digest*.

Prior to practicing law, Rich was an account manager for an international public relations agency, where he planned communications campaigns and provided media and analyst relations services to more than two dozen technology companies.

BAR ADMISSIONS

- Massachusetts

COURT ADMISSIONS

- U.S. District Court for the District of Massachusetts
- U.S. Court of Appeals First Circuit
- U.S. Court of Appeals Sixth Circuit
- U.S. Court of Appeals Eleventh Circuit
- U.S. Court of Appeals, District of Columbia Circuit

REPRESENTATIVE EXPERIENCE

Commercial Disputes / Non-Competition



INDUSTRIES

Life Sciences

Professional Services

Sovereign States

Technology

PRACTICES

Business & Commercial Disputes

International Litigation & Arbitration

Litigation

Non-Competition Agreements,
Trade Secrets & Unfair Competition

Product Liability & Complex Tort

Securities Litigation

Cannabis

Bankruptcy & Restructuring

EDUCATION

Boston College Law School, J.D.,
cum laude, 2007

Boston University, B.A., *magna cum
laude*, 2000

- Obtained complete defense verdict on behalf of insurance broker in jury trial in Massachusetts Superior Court concerning claims of negligent misrepresentation and aiding and abetting breach of fiduciary duty
- Obtained judgment on the pleadings in Massachusetts Superior Court in favor of Massachusetts-based pharmaceutical company declaring that a Russian-based drug developer had no legal right to exercise control over drug compounds it assigned to the Massachusetts company
- Defended international spirits company in litigation in Massachusetts Superior Court against local sports franchise's claims of breach of sponsorship agreement
- Regularly advise financial advisors concerning contractual and legal obligations in transitioning to new employer (both Protocol and non-Protocol transfers) and represent advisors in court and FINRA arbitration where disputes arise

Product Liability & Complex Tort

- As a member of a national counsel team, successfully defended a publicly-traded water technology products manufacturer against asbestos-related claims in dozens of cases in state courts across multiple jurisdictions
- Obtained dismissal of third-party complaint brought against Asian electronics distributor in federal court in Massachusetts by electronic component manufacturer concerning sale of allegedly defective electronic components
- Drafted amicus brief on behalf of Product Liability Advisory Council in *Rafferty v. Merck & Co., Inc.*, Massachusetts Supreme Judicial Court, No. SJC-12347 (arguing against recognition of "innovator liability" theory imposing liability on branded pharmaceutical manufacturer for failure to warn when plaintiff took generic manufacturer's drug) (Oct. 16, 2017)

Bankruptcy & Creditors' Rights

- Represented court-appointed Chapter 11 examiner in *In re Infomotion Sports Technologies*
- Represented Chapter 11 debtors in *In re MSC Liquidation LLC*
- Represented numerous individual chapter 7 debtors through pre-filing, filing, and post-filing phases of bankruptcy, obtaining discharge in each case
- Regularly advise clients concerning pros and cons of bankruptcy and its alternatives
- Regularly advise non-debtor clients concerning rights and obligations with respect to bankruptcy filings of their customers, partners, and suppliers

Sovereign State Litigation

- Obtained complete defense verdict for foreign sovereign in six week trial in federal court in Ohio concerning fake promissory notes
- Obtained dismissal of actions against foreign sovereigns and their agencies and instrumentalities in federal courts in New York and Florida, and affirmation of dismissals in appellate courts
- Represent foreign sovereigns in actions in U.S. courts concerning recognition and enforcement of international arbitration awards

HONORS & INVOLVEMENT

Involvement

- DRI Product Liability Committee, Marketing Chair of Chemical and Toxic Tort SLG
- Boston Bar Association PILP Recruitment and Selection Committee
- Boston Bar Foundation, John & Abigail Adams Benefit steering committee
- Boston Bar Association, Recently Elected Partners Forum advisory committee
- Boston Bar Association Public Interest Leadership Program, 2016-17
- The Foley Hoag Foundation, Grant Proposal Reviewer
- Federal Bar Association, Young Lawyers Division

PUBLICATIONS

- "The Privity Defense in Commercial Warranty Actions: Still Lingered Forty-Five Years After Legislative Abolition," Vol. 62 #1 Boston Bar Journal (Winter 2018)
- Foley Hoag LLP Product Liability Update (quarterly update summarizing developments in product liability, expert witness and related law), Partner Co-Editor
- "Massachusetts" chapter in BUSINESS TORTS: A FIFTY-STATE GUIDE (2018) (Morton F. Daller, ed. 2018) (publication pending)
- "Ninth Circuit Improperly Lowers Admissibility Bar for Expert Causation Testimony," LEGAL BACKGROUNDER (The Washington Legal Foundation, Washington, D.C.) (Nov. 17, 2017)
- Chapter 11: "Emerging Issues in Medical Device Litigation," in PRODUCT LIABILITY LITIGATION: CURRENT LAW, STRATEGIES AND BEST PRACTICES (Practising Law Institute) (2015)

Foley Hoag Alerts and Updates

- Product Liability Update: November 2019 (December 4, 2019)
- Product Liability Update: April 2019 (April 30, 2019)
- Product Liability Update: January 2019 (January 31, 2019)
- Product Liability Update: October 2018 (October 31, 2018)

SPEAKING ENGAGEMENTS

- Panelist, "Rafferty v. Merck: New Development in Product Liability Law in Massachusetts," Boston Bar Association, 2018