



Dean Richlin

Partner

Boston

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Dean Richlin has successfully represented Fortune 500 companies, as well as leading companies and institutions in the fields of life sciences, health care and education. Drawing from more than 35 years of experience, including five years as the First Assistant Attorney General for the Commonwealth of Massachusetts, Dean helps clients resolve, and when necessary litigate through trial, commercial and intra-company disputes, and corporate and regulatory compliance matters. Moreover, he provides strategic advice and effective defense for clients facing state and federal authorities with a particular focus on investigations, prosecutions and enforcement actions by state attorneys general.

Dean develops and implements winning strategies for high stakes disputes. Whether representing non-profit health insurers in fighting arbitrary rate caps, advising the board of directors of a major academic medical center regarding its departing CEO, or securing a multi-million dollar arbitration award for a wrongly discharged President and CEO of a Fortune 100 company, he is always mindful of the interests of regulators and the critical role of public relations.

In recognition of his professional standing, Dean has been inducted into the American College of Trial Lawyers.

Dean is a past Deputy Chair of the Firm's Litigation Department.

BAR ADMISSIONS

- Massachusetts

COURT ADMISSIONS

- U.S. District Court for the District of Massachusetts
- U.S. Court of Appeals for the First Circuit
- U.S. Court of Appeals for the Eighth Circuit
- U.S. Court of Appeals for the Tenth Circuit
- Supreme Court of the United States

REPRESENTATIVE EXPERIENCE

INDUSTRIES

Education

Healthcare

Life Sciences

PRACTICES

Advertising & Marketing

Business & Commercial Disputes

Litigation

Massachusetts Gaming

Real Estate & Development

State Attorney General Investigations

State Government Strategies

White Collar Crime & Government
Investigations

Advertising & Marketing Litigation

Nonprofit & Tax-Exempt Organizations

Healthcare

Life Sciences Coverage & Payment

COVID-19 Task Force

Education

EDUCATION

Boston University School of Law, J.D., Law

Business Litigation/Dispute Resolution

- Successfully represented the former President and CEO of a Fortune 100 company in overturning his discharge for cause and securing an arbitration award for over \$60 million.
- Obtained a favorable settlement on the eve of trial preserving a medical device company's exclusive right to practice its novel treatment for obesity and Type II diabetes.
- Obtained a favorable verdict for a pharmaceutical company in an action for unjust enrichment and unfair trade practices arising from a patent dispute.
- Obtained a favorable verdict and then succeeded on appeal for a closely held company in an action for breach of fiduciary duty against one of its two shareholders.
- Obtained a settlement payment of 2.5 times damages for a major public agency on a claim of fraud against an international construction consultant.
- Obtained a favorable settlement for a manufacturer against its former employee and a competitor in an action for misappropriation of trade secrets and proprietary information.
- Successfully defended an international financial services company in an action by a former senior executive seeking additional separation benefits under a change of control agreement.
- Obtained summary judgment for an investment advisory firm in an action by a former investor seeking substantial compensatory and punitive damages for allegations of misrepresentation and breaches of fiduciary duty.
- Obtained summary judgment for a pension plan and its trustee in an action by an investment manager seeking tens of millions of dollars for lost profits allegedly arising from the plan's breach of the parties' investment agreement.

Government Investigations

- Successfully resolved State Attorney General investigation of alleged discriminatory treatment of visitors to a major cultural institution.
- Successfully resolved State Attorney General investigations of a major non-profit health care company for allegedly paying excessive executive compensation.
- Jointly represented seven of the Boston area's largest universities in an inquiry by the State Attorney General into executive compensation. The inquiry ultimately ended without any change in Attorney General oversight or directives.
- Successfully resolved a 42-state Attorney General investigation of a national retailer that alleged unfair and deceptive acts or practices for failing to prevent the digital theft of hundreds of thousands of credit cards.
- Obtained the dismissal of claims for alleged unfair and deceptive acts or practices arising from subprime mortgage loans brought by the State Attorney General against a national financial services firm.
- Obtained a favorable settlement after 18 months of litigation for an international interparty broker of financial transactions in an enforcement action by the State Attorney General alleging bid rigging and False Claims Act violations.
- Successfully persuaded State Attorney General, after 30-month investigation, to terminate her investigation of a major medical device company alleging unfair and

deceptive acts or practices in connection with selection by physicians of the company's device for surgical procedures.

- Successfully persuaded State Attorney General, after four-month investigation, to terminate her investigation of major pharmaceutical company alleging unfair and excessive pricing of the company's break-through drug.
- Obtained a favorable settlement after three-year investigation of an international consulting firm alleging False Claims Act violations in connection with a contract to replace the state's tax and revenue system.

Regulatory and Administrative Matters

- Successfully represented all Massachusetts non-profit health insurers, both in court and administrative proceedings, in resisting an attempt by the Division of Insurance to impose arbitrary rate caps.
- Successfully prosecuted an administrative reconsideration of 2015 risk adjustment settlement by the Massachusetts Health Insurance Connector Authority resulting in an added award of \$40 million to our client, a major health insurer.
- Successfully represented a national trade association of pharmacy benefits manager challenging on Medicare Part D pre-emption grounds a state law that restricted the use of maximum allowable cost pricing. This representation included persuading the Eighth Circuit Court of Appeals to *reverse* the lower court's judgment denying preemption under Medicare Part D.
- Represented a generic drug manufacturer in a challenge under the Administrative Procedures Act to the FDA's determination that the manufacturer had forfeited its right to 180-day exclusivity for being the first-to-file an Abbreviated New Drug Application.
- Represented a medical device manufacturer in an agency Citizen Petition challenging the FDA's failure to award five-year new active ingredient exclusivity.
- Successfully persuaded a local board of assessors that a non-profit, continuing care facility for elders was entitled to exemption from property tax, saving the facility millions of dollars in potential tax liability.

Governance Matters, Internal Investigations and Strategic Advising

- Conducted internal investigation for, and counseled the board of, a Boston-area medical center concerning the tragic death of a young woman having a severe asthma attack steps from the emergency room entrance. This engagement included recommendations to improve organizational communications, accountability and cohesion.
- Conducted internal investigation for, and counseled senior leadership of, a Boston teaching hospital concerning allegations of emotionally and physically abusive conduct by a senior clinician and department chair towards teaching fellows, nurses and other staff.
- Advised the board of directors of a major medical center in negotiating the very public departure of the medical center's President and CEO.
- Conducted periodic assessment for the board of a major health insurer regarding how

it might be more effective.

- Negotiated favorable treatment of a founding member in the restructuring of an international consulting firm occasioned by the firm's decline in revenues.
- Advised a national consulting firm regarding a negotiating strategy that led to two extensions of the firm's multi-million dollar state contract.
- Conducted an internal investigation for a major teaching hospital into allegations of undisclosed conflicts of interest.
- Conducted an internal investigation for a major Boston university into anonymous allegations of wrongdoing against the director of human resources.

Selected Amicus Briefs

- Filed amicus brief with the U.S. Supreme Court on behalf of the American Council on Education in *Parents Involved in Community Schools v. Seattle School District No. 1*, in support of K-12 student assignment plans that considered race in furtherance of the government's compelling interest in promoting racial and ethnic diversity in education.
- Filed amicus brief with the U.S. Supreme Court on behalf of the Asian American Legal Defense and Education Fund (AALDEF) in *Fisher I* and *Fisher II*, successive cases challenging undergraduate admissions program of the University of Texas. Foley Hoag's brief reviewed the impact of the Texas admissions program on Asian American students and urged the Court to uphold the admissions program. Its brief in *Fisher II* was cited in the Court's majority opinion.
- Filed an amicus brief with the U.S. Supreme Court on behalf of Blue Cross and Blue Shield of Massachusetts in the case of *Department of Health & Human Services v. Florida* to describe the benefits of the Massachusetts health reform law in urging the Court to uphold Affordable Care Act.

PROFESSIONAL EXPERIENCE

- From 1999 to 2004 Dean served as First Assistant Attorney General for the Commonwealth of Massachusetts. In this capacity he was lead or supervisory attorney for all legal matters before the office, including:
 - ▶ Successful defense of the Commonwealth in a six-week jury trial from a claim for billions of dollars in additional attorneys' fees for legal services rendered to the Commonwealth in the nation-wide tobacco litigation;
 - ▶ Oversight of all state investigations, administrative and regulatory matters, lawsuits and prosecutions regarding prescription drug pricing;
 - ▶ Negotiation of settlements in major business regulations cases, including the state-mandated environmental clean-up of the Housatonic River; the return of royalty rights for pharmaceuticals invented at the state laboratory; the payment to charities of an additional \$30 million and the acceptance of governance reforms in connection with the sale of the Boston Red Sox in 2002.
- Before entering public service Dean was a partner in private practice. Following his law school graduation, he served as law clerk to the Honorable David S. Nelson, U.S. District Court for the District of Massachusetts, and as law clerk to the Honorable Paul J. Liacos, Supreme Judicial Court for the Commonwealth of Massachusetts.

HONORS & INVOLVEMENT

Honors

- Fellow, American College of Trial Lawyers, 2008 - present
- Listed in Massachusetts Super Lawyers, 2006 - present

Involvement

- Massachusetts Law Reform Institute, Director, 2016-present
- Boston Municipal Research Bureau, Director, 2009-2019
- Temple Israel of Boston, President, 2003-2005; Officer and Trustee, 1995-2005
- Boston Bar Association, Council Member, 2000-2003
- NAACP Legal Defense and Education Fund, New England Committee, Member, 1994-1999
- Greater Boston Chamber of Commerce, Leading Industries Committee, Co-Chair, 1994-1996
- Commonwealth Care Alliance, Chair 2007-2017; Director, 2005-2017
- MassInc, Director, 2010-present
- Adjunct Professor, Northeastern University Law School, "The Role of State Attorneys General."

PUBLICATIONS

- "Takeaways from Fisher II for University Admissions Policies," *Boston Bar Journal*, October 25, 2016
- Foley Hoag Alerts and Updates -
 - ▶ Department of Education Proposes Sweeping Changes to Title IX Regulations (December 4, 2018)
 - ▶ DOE Issues New Title IX Interim Guidance (October 11, 2017)
 - ▶ Supreme Court Upholds University of Texas Affirmative Action Admissions Policy (June 24, 2016)
 - ▶ Fifth Circuit Issues Important Ruling on Affirmative Action in Higher Education (July 18, 2014)

Foley Hoag Alerts and Updates

- What Educational Institutions Need to Know about the CARES Act (April 1, 2020)
- Department of Education Proposes Sweeping Changes to Title IX Regulations (December 4, 2018)
- DOE Issues New Title IX Interim Guidance (October 11, 2017)
- Supreme Court Upholds University of Texas Affirmative Action Admissions Policy (June 24, 2016)

SPEAKING ENGAGEMENTS

- Speaker, "State Attorneys General and COVID-19, What Businesses Need to Know," Webinar (April, 2020)
- Co-Chair, Boston Bar Association's Higher Education Conference, March 2019
- Panelist, "[State AG Investigations: How to Fight Back!](#)" Foley Hoag webinar (September, 2017)