

James J. Marcellino

Of Counsel
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**Areas of Concentration**

Alternative Dispute Resolution; Business, Employment and Intellectual Property Litigation

Experience

Fellow of the American College of Trial Lawyers

American Arbitration Association training

Qualified as a mediator under Massachusetts law

From 1991 to 2007, Capital Partner and then counsel in the law firm of McDermott Will & Emery LLP

Deputy and Special Assistant Attorney General in Massachusetts

Boston Redevelopment Authority, Project Director and Attorney for Downtown Waterfront - Faneuil Hall Urban Renewal Area

Chairman, Policy Advisory Board, City of Boston Department of Health and Hospitals

Vista Volunteer, Community Legal Counsel, Detroit, Michigan

Representative Engagements

- Represented departed employees and new corporation in defending several million dollar claim by prior employer; worked with client to prepare for, and participated in extensive and successful mediation to resolve the dispute
- Murray v. Shaw Indus., 990 F. Supp. 46 (D.C. Mass. 1997), trial of copyright infringement action
- Walton v. Walton, Massachusetts Superior Ct., trial of action involving alleged breach of fiduciary duty in a close corporation and expert valuation testimony
- Lasell Village, Inc. v. Board of Assessors of Newton, 67 Mass. App. Ct. 414 (2006), trial before Appellate Tax Board and appeal to Massachusetts Appeals Court, in action involving claimed charitable exemption from real estate taxes

Education

College of the Holy Cross, B.A., 1965
Boston College Law School, J.D., 1968
Boston University, M.B.A., 1976

Bar and Court Admissions

Massachusetts Bar
U.S. District Courts for Massachusetts and Northern California
U.S. Court of Appeals for First and Ninth Circuits

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Professional Involvement

Appointed Committee Member on ADR in Massachusetts Trial Court by the Chief Justice for Administration and Management
Appointed Committee Member on Business Litigation Session Resource Committee by Massachusetts Superior Court Chief Justice
Former Member of Panel of Mediators For Matters Referred from U.S. District Court in Massachusetts
Former Member, American Arbitration Association, Commercial Panel
Former Member, High Technology Committee of the Center for Public Resources, now known as CPR International Institute of Conflict Prevention and Resolution
Emeritus Member, Lawyers' Committee for Civil Right under Law (Boston Bar Association)

Teaching

As an Adjunct Faculty member, taught a course in lawyering skills at Boston College Law School and previously a course in high technology law. Lectures on ADR and litigation, with particular focus on computer and intellectual property matters, to client, industry and professional groups.

Honors

Boston Bar Association, former President
Boston College Law School Alumni Association, former President
Boston Inn of Court, former President

Publications

"Litigation and ADR: What Can Go Wrong and Sometimes Does," presentation at 18th Annual Computer Information Law Institute, October , 2003, and article published in "IP Litigator," September, 2004
"Expert Witnesses in Software Copyright Infringement Actions" (*Computer Law Journal*, Vol. VI, No. 1)
"Court-Appointed Experts – Practical Implications for Software Copyright Actions" (*The Computer Lawyer*, Vol. 5, No. 5)
"Due Diligence as a Two-Edged Sword: Potential Liability of Venture Capitalists Funding High Tech Start-Ups" (*University of Santa Clara Law School Computer and High Technology Law Journal*, Vol. 2, No. 1)
"Fair Use in the Context of a Global Computer Network—Is a Copyright Grab Really Going On?" (*Information & Communications Technology Law*, Vol. 6, No. 2)
"To Tax-Affect or Not? – Valuing Close Corporations" (*Practice U.S./Domestic Tax Strategies*, Vol. 6, No. 6)