

## RESUME

### **ROBERT A. STOLZBERG**

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- Education     **HARVARD LAW SCHOOL**, Cambridge, MA, J.D. '70.  
                  **UNION COLLEGE**, Schenectady, N.Y., A.B. '67.
- Professional   **LAW OFFICES OF ROBERT STOLZBERG**. 2011-present.  
Experience     Boutique law firm concentrating on all aspects of dispute  
                  resolution, including negotiation, mediation, arbitration, trials  
                  and appeals, especially representation of foreign nationals in  
                  United States.  
                  **CHARMOY, STOLZBERG & HOLIAN, PC**. 1993 - 2010. Head  
                  of litigation; managing partner for representative office in  
                  Suzhou, China.  
                  **SOLE PRACTITIONER**. 1979 - 1993. Litigation boutique.  
                  **PEQUOD ASSOCIATES**. Outside general counsel for energy  
                  management firm. 1980-1990.  
                  **PETRUCELLY & STOLZBERG**. 1976 – 1979. General practice.  
                  **SPECIAL ASSISTANT ATTORNEY GENERAL**. 1975 – 1979.  
                  **ROXBURY DEFENDERS COMMITTEE, INC**. 1974 - 1975.  
                  Supervising attorney of bureau conducting civil and constitutional  
                  test litigation.  
                  **NEW YORK LEGAL AID SOCIETY**. 1971 - 1973. Staff counsel.  
                  **THE WASHINGTON POST**. 1967. Reporter.
- Teaching,     Guest lecturer on American Law, Xian and Suzhou (China) Law Schools.  
Appearances, Guest, *Greater Boston*, WGBH-TV.  
Publications, Co-Host, *Thinking Things Through*, WBIX.  
Certifications National Board of Trial Advocacy, certified trial advocate (a non-governmental  
(partial)       organization)  
                  Faculty, Massachusetts Continuing Legal Education, Inc.:  
                  “Hearsay, Judicial Notice, Presumptions, Relevancy, Privileges and  
                  Work Product.”  
                  Faculty (volunteer), trial advisor and judge, Harvard Law School trial practice  
                  course and moot courts.  
                  Faculty, New England School of Law (advanced evidence).  
                  “Commodities Law: Courts Grant New Protections to the Small Scale  
                  Speculator.” The National Law Journal, July 26, 1982.  
                  “Civil Remedies for Commodity Fraud.” Massachusetts Lawyers Weekly,  
                  June 7, 1982.  
                  “Speedy Trial: The Interstate Agreement on Detainers.” Trial, May, 1981.

Boards of Directors	<p>Boston Graduate School of Psychoanalysis (Chairman emeritus) – the only accredited independent psychoanalytic school in the country. I was also general counsel.</p> <p>Art Friends, Inc. – a local arts-education organization.</p> <p>Americans for Democratic Action (Mass.) – a national, liberal political group.</p> <p>Reliable Transaction Processing, Inc. – a start-up wireless computer processing company.</p>
Other Interests	<p>Foreign travel (over 100 countries, primarily in East and Southeast Asia), tennis, hockey, skiing, and diving.</p>

## **REPRESENTATIVE CASES**

### **Contract**

- Won ten-million-dollar arbitration award in breach of contract dispute with multi-billion-dollar institution. Client was a foreign national.
- Represented landowner who had entered into a purchase and sale agreement for the sale of his commercial property. When the deal fell through, the buyer brought suit alleging that my client had breached the agreement and sought damages for his expenses and lost profits. Obtained summary judgment for client dismissing all of the plaintiff's claims. Successfully opposed the plaintiff's appeal.
- Represented owner of prominent Boston restaurant in dispute with another owner as to respective ownership shares. Won judgment vindicating my client's claim. Subsequently successfully negotiated, with mediator, buy-out of the other owner's share.

### **Legal Malpractice**

- Brought action against lawyer alleging that he had failed to assist his client appropriately in responding to discovery requests. Settled for \$600,000.00, three times the insurance limits.
- Settled claim against lawyers for \$110,000.00 for negligently structuring transfer of a patent to my client.
- Defended client against his previous lawyer's claim that client hadn't paid appropriate bill. Brought counterclaim alleging legal malpractice. The case was settled with payment to my client by lawyer.

- Defended lawyer where he was accused of improperly dismissing a case. Obtained judgment for my client by establishing that the underlying case had no merit. Defense was made more difficult because the plaintiff cited my client's positive evaluation of the underlying case and used the expert he had retained.

### **Expert Witness - Legal Malpractice**

- Acted as expert witness for plaintiff in legal malpractice case, opining that previous attorney failed to plead a viable and winning theory of the case. Jury awarded \$7,000,000.00 against defendant lawyers.
- Acted as expert witness for plaintiff, opining that prior attorney improperly failed to hire a necessary expert accident reconstruction witness.
- Acted as expert witness, opining that previous lawyer breached his obligations by representing two parties in a single transaction without full disclosure and without obtaining informed consent.
- Acted as an expert witness, opining that prior attorney improperly failed to inform the plaintiff of a settlement offer and to fully explain the pros and cons of accepting or rejecting it.
- Acted as an expert witness, opining that prior attorney improperly failed correctly to interpret a governing consumer protection statute and to advise the client accordingly.

### **Medical Malpractice**

- Represented client with Erb's Palsy developed when obstetrician mismanaged her shoulder dystocia during delivery. Patient was awarded 2,500,000.00 dollars plus interest.
- Represented client with Graves syndrome resulting in mild protrusion of her eyes. Case against surgeon for unnecessary surgery and damage done when he removed part of the eye socket settled for \$450,000 after cross-examination of defense expert.
- Client presented to general practice physician with persistent cough. The doctor failed to detect laryngeal cancer. Case settled for \$500,000.00 while the jury was deliberating. Insurer had offered nothing prior to trial.
- Obtained \$850,000.00 settlement for client whose surgeon improperly failed to diagnose and treat major infection.
- Obtained \$50,000.00 settlement for elderly man whose dentist improperly extracted his teeth.

## **Administrative**

- Defended numerous lawyers, doctors, pilots, and tradesmen before their respective licensure boards against disciplinary charges.
- Obtained repayment for client under the "lemon law" for purchase of defective automobile.
- Represented the Commonwealth in appellate case of first impression establishing that the lead paint law was valid.

## **Intellectual Property**

- Represented defendant in claim of copyright infringement. Settled the case for payment of seven percent of original demand.
- Client imported spare automobile parts from Taiwan and was accused of violating car manufacturer's rights to trade dress. Case was dismissed with client paying nothing.

## **Banking**

- Defended bank in leading appellate case on letters of credit. Obtained summary judgment for the bank which I successfully defended on appeal.
- Defended bank on claim of wrongful dishonor of checks and prosecuted action for bank for overdrafts. Won on summary judgment. Case upheld on appeal and my client received award of attorney's fees.

## **Construction**

- Represented homeowner in Newport, R.I. against contractor suing for unpaid bills. Obtained dismissal of case with homeowner paying nothing.
- Represented contractor where his customer alleged improper cost overruns and defects in workmanship. Obtained settlement whereby contractor got majority of disputed sums.
- Represented contractor in arbitration where defendant claimed that my client's work was defective and violated various building codes. Obtained award of 90 percent of claimed amounts.

## **Adverse Possession**

- Represented homeowner who used strip of land that was beyond the property line as surveyed. Was able to establish that she and her predecessor had used the disputed property for over 20 years. Settled case with agreement giving my client and her successors permanent rights to use the disputed strip.

- Represented business owner in claim of prescriptive easement to use parking lot. Obtained injunctive relief for client allowing him to continue using the lot.

### **Securities and Commodities**

- Brought action in San Diego, CA federal court alleging fraud in inducing my client to invest in commodities. Obtained settlement for my client.
- Obtained settlement for client in arbitration against major securities firm for making investments which were both unsuitable and did not comport with client's oral instructions to invest conservatively.
- Represented defendants in New Hampshire against claim brought by the New Hampshire A.G. that they had unfairly profited by being an early participant in a Madoff-like Ponzi scheme and seeking to claw back the distributions they had received. After years of litigation, settled the case for the amount that we had offered pre-litigation.
- Represented defendant where plaintiff alleged that he had misrepresented the nature of her investments. Obtained dismissal of case for nominal payment.

### **Employment**

- Represented company that hired new vice president and was then sued by his previous employer for allegedly violating covenant not to compete and for disclosing their trade secrets. Successfully defended against their request for preliminary injunctive relief, and then obtained settlement dismissing case with my client paying nothing.
- Represented older local manager of national company. Obtained settlement after establishing that she had performed well and had been replaced with a much younger person who performed worse.

### **Domestic Relations and Probate**

- Represented Husband sued for contempt for allegedly failing to pay various items that were his responsibility under the divorce decree. Obtained dismissal of the complaint.
- Represented wife in action for annulment. Convinced the judge that the marriage was a sham and obtained the annulment.
- Represented husband in divorce case. They had been married for about 18 years at the time of trial. The court awarded the Husband about 70 percent of the couple's total assets.

## **Personal Injury**

- Obtained \$99,000.00 settlement for bicycle rider struck by car.
- Obtained settlement for client in multi-car collision. Case made more difficult because surgical treatment was delayed for several years, and initial treatment was minor.

## **Firearms**

- Client sought to eliminate restrictions on his License to Carry. Local police chief responded by denying request and brought an action to revoke Client's restricted LTC. After trial, judgment was entered for my client affirming his right to keep the LTC.

## **Criminal Defense**

- Represented defendant in the Massachusetts federal court in a bankruptcy fraud/RICO conspiracy case. After a thirty-day trial, obtained jury acquittal of the RICO conspiracy count (the most serious) and most of the other counts as well. Won reversal of conviction on one of the other counts on appeal.
- Obtained defense verdict on grounds of entrapment on federal charge of illegal selling of firearms.
- Obtained acquittal to state charge of selling drugs on grounds of wrongful identification.

## **Consumer Protection**

- Represented proverbial little old lady who bought a derelict house that was described as "a real gem" by the defendant broker. Obtained treble damages by proving that the house was fit to be condemned.
- Represented defendant in consumer protection case who lost at trial. Decision for plaintiff was vacated on appeal where I established that there was no evidence that the required demand letter had been sent.
- Obtained \$150,000.00 settlement from insurance company for failing to assess underlying the case properly and to make a reasonable and timely settlement offer.

## **Civil Rights**

- Represented numerous prisoners before the state and federal trial and appellate courts in Massachusetts and New York to establish their rights under the constitutional provisions guaranteeing due process and barring cruel and unusual punishment.