



**Todd & Weld** LLP

## Christopher R. O'Hara

### Founding Partner

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## **Chris O'Hara's clients rely on his trial lawyer skills honed over 30 years to achieve favorable results in the courtroom and in settlement agreements.**

With more than three decades of experience as a trial lawyer, Christopher R. O'Hara counsels clients with equal skill and expertise in the courtroom and at the negotiating table. A Founding Partner of the firm, Mr. O'Hara is a member of the firm's employment litigation and complex commercial litigation group.

Mr. O'Hara, who joined Todd & Weld in 1993 in the firm's first year of existence, has successfully represented employers and employees in several industries. He has litigated over 100 noncompetition, non-solicitation, and non-disclosure/confidentiality cases in the Massachusetts Superior Court Business Litigation Session, in numerous state and federal courts, and in arbitrations and mediations. *Massachusetts Lawyers Weekly* and other media have featured Mr. O'Hara's successful results, and he is a frequent speaker on employment law topics, including non-competition agreements, and separation/severance agreements.

In the employment law context, executives and companies frequently turn to Mr. O'Hara for advice on offer letters, employment agreements, and separation agreements. He has extensive experience negotiating executive employment agreements, as well as separation and severance agreements for C-suite and other senior executives in numerous industries, including biotechnology/life sciences, finance, information technology, banking, and insurance.

He advises companies on a wide range of matters, including hiring and termination decisions; noncompetition, non-solicitation, confidentiality, and non-disclosure agreements; protection of trade secrets; counseling on investigations; wage and hour issues, including Massachusetts Wage Act cases; independent contractor classification issues; counseling on investigations; and state and federal employment law issues.

Mr. O'Hara has tried numerous commission disputes under the Massachusetts Wage Act in Massachusetts state and federal courts and in arbitrations. He has represented individuals and defended companies in all

types of discrimination claims, including sexual harassment, age, race, national origin, gender, and handicap/disability discrimination, as well as retaliation claims before the Massachusetts Commission Against Discrimination and the U.S. Equal Employment Opportunity Commission and in state and federal courts.

Mr. O'Hara's employment law expertise includes being involved in several *qui tam*/whistleblower cases under the Federal False Claims Act and the Massachusetts False Claims Act.

In the business litigation context, Mr. O'Hara has tried many complex commercial matters, including bet-the-company cases; closely held family business disputes; breach of fiduciary duty and officer, director, and shareholder disputes; business torts; trade secrets; Lanham Act issues; and corporate governance matters in publicly held and privately owned corporations. He represents businesses and individuals in investigations by state and federal authorities, including the U.S. Securities Exchange Commission, FINRA, Massachusetts Attorney General, U.S. Department of Justice, U.S. Department of Labor, OSHA, and Massachusetts Commission Against Discrimination.

Mr. O'Hara represents various health care professionals, including physicians before the Massachusetts Board of Registration in Medicine, and other health care professionals before the Massachusetts Office of Professional Licensure. He has also represented lawyers in disputes involving attorneys' fees and defended lawyers in legal malpractice actions.

## Practice Areas

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- Employment Law and Litigation
- Business Litigation
- Professional Liability Litigation
- Appellate Litigation
- Health Law

## Representative Results

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Chris O'Hara's representative results include:

- Persuaded the Massachusetts Appeals Court to uphold the confidentiality of mediation communications and to reject adoption of a fraud exception to the confidentiality provisions in the Massachusetts mediation statute (G.L. c. 233, § 23C)
- Obtained million-dollar settlement on behalf of a former senior executive in claims under Massachusetts Wage Act for commissions and other compensation and for retaliatory termination
- Obtained an \$800,000 settlement in a disability/handicap discrimination case brought under M.G.L. c. 151B in Norfolk Superior Court.
- *W.B. Mason, et al. v. Staples, Inc., et al.*, 12 Mass. L. Rptr. No. 26, 603 (March 26, 2001) (van Gestel, J.) (successfully enforced Staples' noncompetition agreement in the first noncompetition injunction case tried in the Massachusetts Business Litigation Session)

- *Oxford Global Resources, Inc. v. Guerriero, et al.*, USDC (D. Mass. Dec. 30, 2003) (Woodlock, J.) (obtained non-solicitation injunctions against several former employees)
- *Somers v. Converged Access, Inc.*, 454 Mass. 582 (2009) (Represented company in a case of first impression on potential defense to misclassification under independent contractor statute, M.G.L. c. 149, §148B, and successfully defended company in claim of age discrimination)
- *Demoulas v. Demoulas Super Markets, Inc., et al.*, 18 Mass. L. Rptr. No. 6, 130 (Aug. 23, 2004) (*aff'd* 66 Mass. App. Ct. 1118) (Successfully defended a corporate director in a corporate governance matter)
- Successfully represented a minority shareholder in a lawsuit for corporate records and negotiated a favorable seven figure buy-out of the minority shareholder's interests
- Obtained a \$1.77 million jury verdict in *Ophnet, Inc. v. Lamensdorf*, in Essex County, Mass., involving a complex commercial dispute involving claims of breach of contract, fraud, tortious interference and breach of fiduciary duty
- Represented several businesses in wage and hour and employee classification audits and civil investigative demands by the Attorney General and the U.S. Department of Labor

#### **Additional representative matters:**

- Represents executives and companies in executive employment and separation agreements
- Represents a well-known international non-profit organization in labor disciplinary grievances and employment litigation
- Represents in noncompetition, non-solicitation and confidentiality, trade secrets, and other employment disputes several publicly traded staffing companies, which specialize in the placement of highly specialized IT, software/hardware, and engineering professionals, as well as locum tenens healthcare staffing firms
- Obtained one of the largest defense verdicts of the year in Massachusetts involving a significant dispute over commissions on behalf of a software manufacturer
- Represents relators in Qui Tam and whistleblower actions under the False Claims Act in federal courts

#### **Experience**

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- Todd & Weld LLP, 1993-present
- Nutter, McClennen & Fish, LL, 1986-1993
- U.S. Securities and Exchange Commission, Enforcement Division, Washington, D.C., 1985

#### **Bar Admissions**

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- Massachusetts
- U.S. District Court, Massachusetts
- U.S. Court of Appeals, First Circuit
- U.S. Supreme Court

#### **Education**

**Todd & Weld LLP**

- Catholic University (J.D., 1986) Senior Staff Member, Catholic University Law Review
- College of the Holy Cross (B.A., 1983)

## Professional Activities

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- Massachusetts Bar Association
- Boston Bar Association
- Sponsor, Tech Serve Alliance, New England Chapter
- Member, American Staffing Association

## Publications/Presentations

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- Webinar, Massachusetts Equal Pay Act, TechServe Alliance (June 2018)
- Legislative Updates, TechServe Alliance Quarterly Meeting (March 2018)
- Featured Speaker, Interplay of Employment Discrimination Laws and Employment Background Screening, New England Chapter of TechServe Alliance June 2013
- Panelist, Employment Background Screening, National Contract Management Association February 2013
- Featured Speaker, Massachusetts Wage Act and the Law of Trade Secrets, Noncompetition, Non-Solicitation and Non-Disclosure Covenants presented at the National Association of Computer Consultant Businesses, New England Chapter September 2008
- Panelist, Obtaining or Defending Summary Judgment in Employment Cases MCLE 2008
- Panelist, Fiduciary Duty and Shareholder Derivative Claims in the Business Litigation Session MBA CLE 2005
- Panelist, Effective Advocacy: Severance and Noncompete Agreements MCLE 2004

## Honors and Awards

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- Named a Go-To Employment Lawyer by *Massachusetts Lawyers Weekly*
- Regularly named to *Best Lawyers in America* for Employment Law: Management; Litigation: Labor and Employment; and Qui Tam Law (2016 to present)
- Regularly named to Massachusetts *Super Lawyers* for Employment & Labor, Employment Litigation, and General Litigation (2004 to present)
- Martindale-Hubbell, AV Preeminent rating

## In the Community

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- Board member, Clay Soper Memorial Fund, 2017-2020
- Youth Hockey and Soccer Coach, 2003-2012
- Citizens Schools 8th Grade Academy, Writing Mentor Program, 2004-2005
- Chair, BBA's Law Day, Lawyer in the Classroom, 1996, 1997

## News & Insights

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- Federal court decision sets aside FTC ban on noncompetition agreements
- 30 Todd & Weld attorneys named 2022 Massachusetts Super Lawyers and Rising Stars
- Nineteen Todd & Weld attorneys named to 2023 Best Lawyers in America
- 30 Todd & Weld attorneys named 2021 Massachusetts Super Lawyers and Rising Stars
- Sixteen Todd & Weld attorneys named to 2022 Best Lawyers in America
- Christopher O'Hara Chosen by Mass. Lawyers Weekly as a Go-To Employment Lawyer
- 30 Todd & Weld attorneys named 2020 Massachusetts Super Lawyers and Rising Stars
- 31 Todd & Weld attorneys named 2019 Massachusetts Super Lawyers and Rising Stars
- Fifteen Todd & Weld attorneys named to 2020 Best Lawyers in America
- Chris O'Hara quoted in WSJ on emerging resistance to noncompete agreements
- 30 Todd & Weld attorneys named 2018 Massachusetts Super Lawyers and Rising Stars
- Fourteen Todd & Weld attorneys named to 2019 Best Lawyers in America
- Todd & Weld attorneys recognized in New England's Best Lawyers publication
- 24 Todd & Weld attorneys named 2017 Massachusetts Super Lawyers and Rising Stars
- Ten Todd & Weld attorneys named to 2018 Best Lawyers in America
- SJC: Employers may have to accommodate off-duty medical marijuana use
- Eight Todd & Weld attorneys named to 2017 Best Lawyers in America

## Results

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- Jury awards MA Wage Act verdict to sales executive
- Firm defeats summary judgment motion in employment case