

Curriculum Vitae

Thomas J. Carey, Jr., Esq.

Office: (781) 740-1234 Personal Cell: (781) 749-0979

<https://www.tjcarey-appellatelaw.com>

careyt@bc.edu

Attorney at Law

Admitted to practice on November 9, 1965 as an Attorney and Counsellor at Law in any of the Courts of the Commonwealth by the Supreme Judicial Court of Massachusetts. Also admitted to practice in the United States District Court for the District of Massachusetts, the United States Court of Appeals for the First Circuit, and the Supreme Court of the United States.

Education

Master of Laws Degree, Harvard Law School, 1967.

On Fellowship.

Juris Doctor Degree, Boston College Law School, 1965.

Honors: Order of the Coif; Publications Trust Award, "presented occasionally to honor student writing of outstanding quality and scholarship;" Lawyer's Co-operative Publishing Awards for Highest Grades in Equity, Labor Law and Taxation; First Prize, Old Colony Trust Estate Planning Contest; Law Review, Editorial Staff; Editors Award, "as the member of the Editorial Staff whose contributions were the most significant during the 1964-1965 academic year;" Lyne, Woodworth and Evarts Award; Dean's List.

AB Government 1962, Boston College.

Graduate 1958, Archbishop Williams High School.

Judicial Clerkships

Law Clerk to the Honorable Andrew A. Caffrey, Judge of the United States District Court for the District of Massachusetts, 1965 to 1966. Law Clerk to the Honorable Frank J. Murray, Judge of the United States District Court for the District of Massachusetts, 1967.

Other Government Service

Assistant District Attorney, Suffolk County Major Violators Division, 1976 to 1979.

Served as the Appellate Attorney for the Major Violators Division, responsible for all briefs on appeal in the Supreme Judicial Court and the Appeals Court, including cases of first impression upholding the constitutionality of the major violators program and establishing brain death as the legal test of death in Massachusetts. Also consulted on legal issues with trial assistants, and prepared trial memoranda in selected cases.

Representative of the Suffolk County District Attorney to the Massachusetts Commission on Reform of the Criminal Laws, 1970-1971.

Former Massachusetts Bar Association Representative on the Massachusetts End of Life Commission.

Law Teaching

Adjunct Faculty, Boston College Law School, 1990 to date. Amicus Curiae Clinic; Appellate Advocacy Seminar; Moot Court: coach of BC Law teams competing against other law schools in national and international Moot Court competitions.

Director of Advocacy Programs, Boston College Law School, 2004 - 2008.

Associate Professor of Law, Boston College Law School, 1971 to 1976.

Courses Taught: Federal Courts; Torts; Commercial Law; Civil Rights Litigation; Urban Legal Laboratory; Advisor to the National Moot Court Team and Second Year Moot Court Program.

Assistant Professor of Law, Suffolk University Law School, 1967 to 1971.

Courses Taught: Federal Courts; Constitutional Law; Civil Rights and Civil Liberties; Equity; Commercial Law; Agency and Partnership; Advanced Course on Federal Rules of Civil Procedure; Administrative Law Seminar; Advisor to Moot Court Programs.

Lecturer, Northeastern University Law School, 1972: Commercial Law, Summer Quarter.

Lecturer, Northeastern University Law School, 1976-1977: Federal Courts, Winter Quarter.

Lecturer on Law, Adjunct Instructor, New England Law School, 1979: Secured Transactions.

Private Practice

Solo Appellate Practitioner, 2023-to date.

Appellate Attorney, Boston office of Hogan Lovells, 2015-2022.

Appellate Attorney, Dwyer & Collora, 2007-2015.

Solo General Practitioner, 1980-2007.

I have practiced and taught in a broad number of legal fields, including Arbitration, Administrative Law, Agency and Partnership, Appellate Practice, Advanced Civil Procedure, Civil Rights Litigation, Commercial Law, Constitutional Law, Consumer Protection Law, Contracts, Corporations, Criminal Law, Criminal Procedure, Equity, Evidence, Federal Courts and Procedure, Health Law, Land use and Planning, Legal Process, Municipal Law, Probate Law, Property, Torts, and Zoning.

Selected Appellate Matters

This sampling of appellate cases represents a selected, small portion of my total experience. Other than in impounded cases, appellate briefs are publicly available in the detailed records of appellate courts, either online or in their archives. I have briefed cases in the Supreme Judicial Court involving matters of first impression on issues such as the Fraudulent Transfers Act (*Bakwin v. Mardirosian*, 467 Mass. 631 (2014)), Arbitration (*McInnis v. LPL Financial, LLC*, 466 Mass. 256 (2013)), and the First Amendment rights of religious organizations (*Temple Emanuel of Newton v. Massachusetts Commission Against Discrimination*, 463 Mass. 472 (2012)).

Amicus Curiae Briefs

Commonwealth of Massachusetts, ex rel. Johan Rosenberg v. JPMorgan Chase & Co., et al., 487 Mass. 403 (2021) (SJC12973).

Coauthored an Amicus Brief on behalf of the Greater Boston Chamber of Commerce involving the public disclosure bar of the Massachusetts False Claims Act.

Hedberg v. Wakamatsu, 482 Mass. 613 (2019) (SJC-12624).

Coauthored with Professor Mark Brodin an Amicus Brief on an issue of first impression involving Evidence Law.

See <https://lawmagazine.bc.edu/2019/08/amicus-clinic-chalks-upanother-success>.

See also A Mastermind at Work – Boston College Law School Magazine,
<http://lawmagazine.bc.edu/2019/03/amastermind-at-work/>.

Care and Protection of Rashida, 488 Mass. 217 (2021) (SJC13072).

Worked in conjunction with faculty and students engaged in Boston College Law School's Juvenile Justice Clinic, to author an amicus brief urging the Supreme Judicial Court to decide this Care and Protection case as it eventually did.

See <https://lawmagazine.bc.edu/2021/09/amicus-argues-for-the-child/>.

In The Matter of Olchowski, 485 Mass 807 (2020) (SJC-12730).

Co-authored an Amicus Brief on behalf of the Boston Bar Association, Massachusetts Bar association, and Real Estate Bar Association, arguing against turning over to the Treasurer as abandoned property money held in Interest on Lawyers Trust Accounts, and the court so held in its decision.

In Re Enforcement of Subpoena, 463 Mass. 162 (2012).

Authored Amicus Brief on behalf of the Massachusetts Bar Association supporting an independent judiciary.

In the Matter of Shelley M. Joseph, (SJC-OE-140) (2019).

When the Supreme Judicial Court summarily suspended Judge Joseph without pay, I took the lead in filing on behalf of the Massachusetts Bar Association, the Massachusetts Academy of Trial Attorneys, and the Women's Bar association an Amicus Brief and Post-Argument Amicus Letter urging the Court to reinstate her salary. The Court did so.

Department of Revenue Child Support Enforcement v. Grullon, 485 Mass. 129 (2020) (SJC-12784).

Coauthored an Amicus Brief on behalf of the Massachusetts Bar Association successfully contending that an order holding a father in contempt for failure to pay child support should be reversed because the proceedings in the Probate Court failed to provide him with his constitutional right to Due Process of law.

Civil Cases

Balles v. Babcock Power, Inc., 476 Mass. 565 (2017) (SJC-12112).

Successfully contended that the Supreme Judicial Court should affirm a substantial judgment entered in Mr. Balles's favor against his former employer.

McInnes v. LPL Financial. LLC, 466 Mass. 256 (2013).

As part of the Collora team, I briefed and argued an important case in which the Massachusetts Supreme Judicial Court established the enforceability of arbitration agreements to claims under the Massachusetts Consumer Protection statute, General Laws Chapter 93A.

Selected Publications

Book Co-author, Armstrong and Carey, Massachusetts Appellate Practice, LexisNexis Massachusetts Practice Series (2022 ed.).

Law Review Article Co-author, Employee Noncompetition Laws and Practices: A Massachusetts Paradigm Shift Goes National, 103 Mass. L. Rev. 31 (2022).

Law Review Article Author, An Introductory Note, 100 Mass. L. Rev. 1 (2018) (on the 100th Anniversary of the Magazine).

Book Review Co-author, Business and Commercial Litigation in Federal Courts, 99 Mass. L. Rev. 77 (2018).

Law Review Article Author, Federal Court Intervention in State Criminal Cases, 56 Mass. L.Q. 11 (1971).

Article Author, Closing Arguments in Criminal Cases, Suffolk Law School magazine, The Advocate, Vol. 9, No. 2, Spring, 1978.

Bar Memberships and Activities

Member, Massachusetts Bar Association.

Brandeis Fellow, Massachusetts Bar Foundation. By invitation extended “to select Massachusetts lawyers whose professional, public and private careers have demonstrated outstanding contributions to their communities.”

Member, American Bar Association: Litigation Section, and Appellate Judges Conference, Council of Appellate Lawyers.

Fellow, The American Bar Foundation: In “recognition of exemplary dedication to highest principles of the legal profession, commitment to the welfare of society, and support for the ideals, objectives, and work of the American Bar Foundation.”

Member, Plymouth County Bar Association

Current MBA Activities

Chair, MBA Amicus Curiae Committee.

Co-Chair, MBA Appellate Courts Bench-Bar Committee.

Associate Editor, Massachusetts Law Review.

Past MBA Activities

Member, Supreme Judicial Court Transcripts Committee (by appointment of the Court).

Member, MBA Amicus Task Force.

Member, MBA Task Force on Judicial Conduct Commission.

Member, BBA-MBA Joint Committee on Proposed Massachusetts Probate Code.

Former Chairman, Probate Law Section.

Former Member, Board of Delegates, 1998-1999.

Speaker, Recent Developments in Appellate Practice, Massachusetts Bar Association Annual Meetings, 2004 to 2008, reporting on developments in Massachusetts appellate courts and the United States Court of Appeals for the First Circuit.

Moderator & Panelist, Success on Appeal, CLE Panels, Massachusetts Bar Association.

Speaker, Tips on Effective Brief Writing, MBA CLE Program.

Panelist, Recent Developments in Massachusetts Law, 1971, 1972, 1973, 1974 and 1975 Annual Meetings of the Massachusetts Bar Association, reporting on developments in the First Circuit.

Panelist, Federal Rules of Evidence, ALI-ABA, May 30, 1975.

First Circuit Judicial Conference, 1973.

Panelist, Comity or Competition: The Relations Between State and Federal Courts, 1970 Annual Meeting, Massachusetts Bar Association.

Associate Editor, Massachusetts Law Quarterly, 1969-1974.

Selected Public Speaking Engagements

Speaker, Commemoration of the 80th Anniversary of the Cocoanut Grove Fire, Hingham Town Hall (2022)

Speaker, Pursuit of History. History Camp Boston (2023, 2024, 2025)

Lincoln Day Speaker, February 8, 2014, Old Ship Church, Hingham.

Public Speaker. In addition to numerous Continuing Legal Education programs and panels on appellate practice, brief writing, and oral argument, I often speak to the general public at libraries and continuing education programs on various legal and historical subjects, including talks on the Boston Massacre, the Cocoanut Grove Fire, the Worcester Fire, the Sacco & Vanzetti case, Daniel Webster, John Adams, the Massachusetts Constitution, and “The Rule of Law and the Supreme Court.”

Civic Activities

Town of Hingham

Current

Chair, Senior Center Building Committee

Trustee, Hingham Public Library

Occasional Lecturer, Hingham Senior Center Lifetime Learning programs.

Past

Member, Town Administrator Bylaw Committee.

Trustee, Hingham Land Conservation Trust.

Member, Fire Department Assets Review Committee.

Member, Hingham Central Fire Station Building Committee.

Member, North Fire Station Building Committee.

Member, Historic Districts Commission, Town of Hingham, 1990 to 1996.

Member, Advisory Committee, Town of Hingham, 1999 to 2005. Reviews and makes recommendations on Annual Budget and Capital Spending; also makes recommendations on all Warrant Articles before Town Meeting.

Chairman, Personnel Board, Town of Hingham, 1996-1999. Responsible for negotiation of Collective Bargaining Agreements with five unions and

Administration of Town's Personnel Bylaw; establish and monitor job description and pay classification for all Town positions; handle employee grievances; set and make recommendations to Town Meeting for pay scales and human resources policies for Town employees.

Member, Personnel Board, Town of Hingham, 1990 to 1996.

Chairman, Town Hall Building Committee, 1994-1999.

Chairman, Central Task Force, Town of Hingham, 1993-1994. Report on Long Range Capital Planning for Town Facilities and Library; Prepared and presented Warrant Articles to Town Meeting for Approval of Town Hall and Library Building Projects; Led Override Campaign for Approval of Borrowing for Town Hall Project.

Other Activities and Associations

Proprietor, Social Law Library

Member, The Boston Athenaeum

Friend, The Arnold Arboretum

Former Member, Brookline Kiwanis Club

Former Member, Parish Council, Resurrection Church, Hingham, 1991-1995.

Honors & Awards

Recipient, Hingham Journal Citizen of the Year Award, 1998.

Special Service Award from BC Law Alumni Association, Law Day 2016

Recipient, MBA Presidents Award, 2021, “for his selfless dedication, leadership and service to the MBA and the Massachusetts legal community.”

Recipient, Volunteer Recognition Award, 2023, as “a giant in the legal community” and “a driving force behind the MBA’s mantra as the preeminent voice of the legal profession.”

Inducted into the Massachusetts Lawyers Weekly Hall of Fame, 2024

Included in Marquis Who's Who in America 2025, “inclusion in which is limited to individuals who possess professional integrity, demonstrate outstanding achievement in their respective fields and have made innumerable contributions to society as a whole.”