



John J. Davis

Partner

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Practice Areas

Business Litigation

Civil Rights

General Litigation

Governmental, Municipal & School Liability

Insurance Coverage

Workplace Investigations

John J. Davis is a Partner with Pierce Davis & Perritano LLP.

He is head of the firm’s Governmental Liability and Civil Rights Practice Group.

His primary practice focuses on the defense of cities, towns, and other public employers in suits alleging civil rights violations, discrimination, harassment, negligence, and educators’ and school board liability.

Education

Boston University School of Law, J.D., 1981

Tufts University, B.A., *cum laude*, 1978

Mr. Davis has successfully defended police officers sued for wrongful death and civil rights violations in connection with fatal shootings, high speed pursuits, and suicides by pre-trial detainees; school officials accused of harassment; sexual assault or unlawful discipline of students; and other public officials against allegations of defamation, abuse of process, unlawful license revocation, and wrongful termination.

Case Highlights:

- In 1999, Mr. Davis defended the Town of Dartmouth in the landmark school safety case of *Brum v. Town of Dartmouth*, 428 Mass. 684, where the Massachusetts Supreme Judicial Court ruled that a public school could not be held liable, either in tort or under various civil rights theories, for the unforeseen classroom stabbing death of a sixteen-year old high school student.
- In 2008, Mr. Davis represented the Town of Lexington and Lexington school officials in *Parker v. Hurley*, 514 F. 3d 87 (1st Cir.), cert. den., 555 U.S. 815 (2008), the first case in the country in which a court upheld the right of public school officials to use same-sex teaching materials in the classroom.

Besides his primary practice areas, Mr. Davis also has significant litigation and trial experience in insurance coverage, sexual abuse and molestation, premises liability, and negligent security. He frequently appears in all

Massachusetts courts, in the United States District Courts, and before the Massachusetts Commission Against Discrimination. Mr. Davis is also licensed to practice law in Rhode Island.

Mr. Davis has been practicing in Boston since 1981. In 1998, he joined in co-founding Pierce Davis & Perritano LLP.

Bar & Court Admissions

- Commonwealth of Massachusetts
- State of Rhode Island
- U.S. District Court, District of Massachusetts
- U.S. District Court, District of Rhode Island
- U.S. Court of Appeals for the First Circuit
- Supreme Court of the United States

Association Memberships

- Massachusetts Bar Association
- Rhode Island Bar Association
- Massachusetts Municipal Lawyers Association
- International Municipal Lawyers Association

Representative Matters

- *Comley v. Town of Rowley*, ___ F. Supp. 3d ___, 2017 WL 4927664 (D. Mass. Oct. 31, 2017)
- *Venkataraman v. Graniteville Woods, LLC*, 91 Mass. App. Ct. 1131 (2017)
- *Loreti v. Tulimieri*, 60 N.E.3d 1197 (Mass. App. Ct. 2016)
- *Najas Realty, LLC v Seekonk Water Dist.*, 821 F. 3d 134 (1st Cir. 2016)
- *Lakeland Harbor SPE LLC v. Town of Rockland Rent Control Bd.*, 2010 WL 1223602 (D Mass.)
- *Doe v. City of Fitchburg*, 76 Mass. App. Ct. 1106 (2010)
- *Anderson v. City of Gloucester*, 75 Mass. App. Ct. 429, rev. den., 455 Mass. 1105 (2009)
- *Jones v. Maloney*, 74 Mass. App. Ct. 745 (2009)
- *Comley v. Town of Rowley*, 74 Mass. App. Ct. 1122, rev.den., 455 Mass. 1101 (2009)
- *King v. Rivas*, 555 F.3d 14 (1st Cir. 2009)
- *McCarter v. Bi-County Collaborative, Inc.*, 73 Mass. App. Ct. 1115, rev.den., 453 Mass. 1108 (2009)
- *Anzalone v. Town of Middleton*, 73 Mass. App. Ct. 1105 (2008)
- *Parker v. Hurley*, 514 F.3d 87 (1st Cir.), cert. den., 555 U.S. 815 (2008)
- *Martins v. Town of Rockland*, 66 Mass. App. Ct. 1118 (2006)
- *LaSota v. Town of Merrimac*, 65 Mass. App. Ct. 1110 (2005), rev. den., 446 Mass. 1104 (2006)



- *Abington Transfer Station, LLC v. Board of Health of Abington*, 64 Mass. App. Ct. 1111 (2005)
- *Carlson v. Town of Ipswich*, 61 Mass. App. Ct. 1112 (2004)
- *Jones v. Town of Sharon*, 58 Mass. App. Ct. 1106 (2003)
- *Demers v. Leominster School Department*, 263 F. Supp. 2d 195 (D. Mass. 2003)
- *Serrell v. Franklin County*, 47 Mass. App. Ct. 400 (1999)
- *Brum v. Town of Dartmouth*, 428 Mass. 684 (1999)
- *Brayton v. Monson Public Schools*, 950 F. Supp. 33 (D. Mass. 1997)
- *Aubuchon v. Commonwealth*, 933 F. Supp. 90 (D. Mass. 1996)
- *Armstrong v. Lamy*, 938 F. Supp. 1018 (D. Mass. 1996)
- *Canney v. City of Chelsea*, 925 F. Supp. 58 (D. Mass. 1996)
- *Carista v. Berkshire Mutual Ins. Co.*, 394 Mass. 1009 (1985)

Awards & Honors

- Martindale-Hubbell National Law Directory, AV® Preeminent Peer Review Rating
- Selected to *The Best Lawyers in America*® list in Employment Law – Management, 2016 – 2019
- Selected to Massachusetts Super Lawyers List, 2017

Speaking Engagements

- 16th Annual MCLE-MMLA Municipal Law Conference, “Hot Topics in Employment Law,” Speaker (March 7, 2018)
- National Business Institute’s School Law: Social Media and Apps, Cyberbullying, Privacy and Other Technology Issues Seminar, “Cyberbullying and Threats: School Authority and Liability,” Speaker (February 2, 2018)
- MIIA Risk Management Booth – Municipal Quick Talks at the MMA Annual Meeting and Trade Show, “The Limits of Local Zoning: Protecting Religious and Educational Uses,” Speaker (January 19, 2018)
- 2017 SNEAPA Conference, “From Dudley to DC: Religion, Land Use, Planning, and the Courts,” Panelist (October 26, 2017)
- 2017 MMLA Annual Meeting & Conference, “Employment Discrimination – Defending the Municipal Client,” Speaker (September 15, 2017)
- National Business Institute Conference, “Special Education Law: The Ultimate Guide,” Panelist (May 17, 2016)
- 15th Annual MCLE-MMLA Municipal Law Conference, “Hot Topics in Employment Law,” Speaker (March 15, 2017)



- 2016 Mid-Year Seminar of the International Municipal Lawyers Association, “Issues in Municipal Insurance: Minding the Gaps,” Panelist (April 16, 2016)
- 14th Annual MCLE Municipal Law Conference, “Hot Topics in Employment Law,” Speaker (March 16, 2016)
- 2015 Mid-Year Seminar of the International Municipal Lawyers Association, “The Ethical Litigator,” Panelist (April 27, 2015)
- 13th Annual MCLE Municipal Law Conference, “Hot Topics in Employment Law,” Panelist (March 18, 2015)
- MCLE Seminar, “Chapter 258, the Massachusetts Tort Claims Act, Section 10 Immunities and The Recreational Use Statute,” Speaker (October 20, 2014)
- 79th Annual Conference of the International Municipal Lawyers Association, “When the Defense is Offered Under a Reservation of Rights,” Panelist (September 5, 2014)
- Massachusetts Municipal Lawyers Association Seminar, “Chapter 84: The Public Way Defect Statute and Massachusetts Public Accommodation Statute,” Speaker (August 7, 2014)
- National Business Institute Conference, “Disciplining Students with Behavioral Issues,” Speaker (June 3, 2014)
- 12th Annual MCLE Municipal Law Conference, “Employment and Labor Law – Hot Topics in the Municipal Field,” Speaker (March 12, 2014)
- MCLE Seminar, “Chapter 258, the Massachusetts Tort Claims Act, Section 10 Immunities,” Speaker (November 20, 2013)
- Massachusetts Municipal Lawyers Association Law Program, “Wind Turbines: A Case Study,” Speaker (August 8, 2013)
- National Business Institute Conference, “Lawfully Managing Student Records Without Violating Privacy Rights,” Speaker (June 11, 2013)
- 2013 Mid-Year Seminar of the International Municipal Lawyers Association, “Insurance Coverage for Municipalities and Municipal Officials,” Presenter (April 16, 2013)
- 11th Annual MCLE Municipal Law Conference, “Personnel Law,” Panelist (March 13, 2013)
- 2013 Annual Conference of the New England Plumbing, Gas & Mechanical Inspectors Association, “Inspectors’ Liability,” Co-presenter (January 22, 2013)



PIERCE DAVIS & PERRITANO LLP

Publications

- “Title VII and the Workplace Romance,” IMLA, The Municipal Lawyer Magazine (Jan./Feb. 2012)
- Author of Chapter 15 “Tort Liability of Schools and School Employees” in *School Law in Massachusetts* (MCLE 2nd Edition 2012)
- “Blogs, Social Networks, and the First Amendment,” MMA Municipal Advocate (May 2010)
- “Strategies for Avoiding Employment Retaliation Claims,” MMA Municipal Advocate (Nov. 2009)
- Numerous articles in CLE and insurance publications
- Numerous articles in PDP’s *Developments in Municipal Law* newsletter