



John J. Cloherty III

Partner

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Practice Areas

- Civil Rights
- Elevator Liability
- Employment Law
- General Litigation
- Governmental, Municipal & School Liability
- Higher Education Litigation
- Insurance Coverage
- Product Liability
- Workplace Investigations

Education

- Suffolk University Law School, J.D., *cum laude*, 1993
- Providence College, B.A., *cum laude*, 1986

John J. Cloherty III is a Partner at Pierce Davis & Perritano LLP.

His practice is focused on litigation and trial advocacy in defense of individuals, corporations, and governmental subdivisions and agencies in federal court and in the state courts in Massachusetts and Rhode Island. Mr. Cloherty represents public and private employers in defense of charges of discrimination before the Massachusetts Commission Against Discrimination. He is also a frequent lecturer for Continuing Legal Education seminars for fellow lawyers as well as for client seminars.

Mr. Cloherty has represented numerous individuals, corporations, municipalities, schools and school districts, and other governmental agencies in defense of negligence, motor vehicle torts, products liability, premises liability, negligent security, medical malpractice, civil rights, discrimination, zoning and licensing disputes, and intentional tort claims. He has represented individuals and public employers under the Civil Rights laws of the United States and Massachusetts and Rhode Island, as well as the state and federal anti-discrimination laws. His trial experience includes diverse cases such as First Amendment claims, police misconduct, motor vehicle torts, breach of contract claims, property nuisance, accounting malpractice, and employment discrimination.

Mr. Cloherty also has experience representing individual property owners and municipalities in claims brought under the Federal Telecommunications Act (TCA) concerning the permitting, site selection, and construction of cellular communications towers. Mr. Cloherty has defended product manufacturers in claims of liability alleging defective construction equipment and truck campers. Mr. Cloherty has an active practice representing elevator maintenance and installation companies in personal injury lawsuits. He has also represented higher education institutions in tort, contract, and employment claims.



Prior to joining the firm, Mr. Cloherty served as an Assistant Corporation Counsel for the City of Boston for three years. He also garnered substantial trial experience in criminal law while serving as a Rhode Island State Assistant Public Defender for two years. Attorney Cloherty began his legal career as a law clerk for the Honorable Donald F. Shea of the Rhode Island Supreme Court.

Prior to law school, Mr. Cloherty gained business experience as a Trust Accountant at a large Boston bank. He also served as an officer in the U.S. Army, obtaining the rank of Captain and achieving distinctions of Airborne and Ranger qualifications.

Bar & Court Admissions

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

Association Memberships

- Boston Bar Association
- Rhode Island Bar Association
- Massachusetts Council of School Attorneys (COSA)
- The Massachusetts Municipal Lawyers Association (MMLA)
- The International Municipal Lawyers Association (IMLA)

Representative Matters

- *Chadwick v. Duxbury Pub. Sch.*, 475 Mass. 645, 59 N.E.3d 1143 (2016)
- *Morgan v. Town of Lexington, MA*, 823 F.3d 737 (1st Cir. 2016)
- *Moore v. Town of Billerica*, 83 Mass. App. Ct. 729, 989 N.E.2d 540 (2013)
- *Dinitto v. Pepperell*, 77 Mass. App. Ct. 247, 929 N.E.2d 979 (2010)
- *Ciampi v Westerly*, 598 F.Supp.2d 257 (Dist. R.I. 2009)
- *Assoc. of Comm. Org. Reform Now v. East Greenwich*, 453 F. Supp. 2d 394, (D. Mass. 2006) Aff'd, 239 Fed. Appx. 612 (1st Cir. 2007)
- *McNiff v. Dracut*, 433 F. Supp. 2d 145 (D. Mass. 2006)
- *Doe v. East Greenwich Sch. Dept.*, 899 A.2d 1258 (R.I. 2006)
- *Lacava v. Lucander*, 791 N.E.2d 358 (Mass. App. Ct. 2003)
- *Mullin v. Town of Fairhaven*, 284 F.3d 31 (1st Cir. 2002)
- *Collins v. Nuzzo*, 244 F.3d 246 (1st Cir. 2001)
- *Rogan v. Menino*, 175 F.3d 75 (1st Cir. 1999)
- *Burnham v. City of Salem*, 101 F. Supp. 2d 26 (D. Mass. 2000)
- *Standifird v. Town of Boxborough*, 84 F. Supp.2d 213 (D. Mass. 2000); aff'd 230 F.3d 1347 (1st Cir. 2000)

Awards & Honors

- Martindale-Hubbell National Law Directory, AV® Preeminent Peer Review Rating
- Selected to Massachusetts *Super Lawyers* List, 2016-2017

Speaking Engagements

- PODCAST: How Schools Can Prevent and Defend Against Bullying Claims, Best's Insurance Law Podcast (November 2017)
- International Municipal Lawyers Association, "Personnel Holidays and Religion in the Municipal Workplace," Co-Speaker, Webinar (November 18, 2015)
- International Municipal Lawyers Association, "Religious Expression in the Public Workplace," Co-speaker, Audio Seminar (March 20, 2013)
- Massachusetts Bar Association, Individual Rights and Responsibilities Section Open Meeting, "What's Bullying," Panelist (February 9, 2011)
- Massachusetts Continuing Legal Education, Inc., 8th Annual Municipal Law Conference, "What's New in Personnel Law and Labor Relations" (March 18, 2010)
- Massachusetts Interlocal Insurance Association, "Risk Management Seminar" (2009)
- "Conflict of Interest – For Elected and Appointed Officials," Panelist (June 10, 2009)
- Massachusetts Continuing Legal Education, Inc., "Trying Your First, or Next, Civil Case in Federal Court," Panelist (April 10, 2003; March 31, 2004; March 24, 2005; March 23, 2006; March 1, 2007; April 9, 2008, May 8, 2014)

Publications

- Author, Chapter 12, "Damages Actions Under Section 1983," published in *Federal Civil Litigation in the First Circuit*, MCLE (July 2017)
- Author, Chapter 5, "Legal Representation in Civil Lawsuits Arising from Police-Involved Shootings," published in *Suicide by Cop: A Comprehensive Examination of the Phenomenon and its Aftermath*, (Vivan B. Lord) (Looseleaf Law Publications, Inc. Feb. 2015)
- Author, "The Supreme Court's Vance and Nassar Decisions: The Burden of Proof in Employment Discrimination Cases and Other Developments", published in *Employment Law 2014 – Top Lawyers on Trends and Key Strategies for the Upcoming Year*, Aspatore Publishing, Thomas/Reuter, 2014 WL 343156 (February 2014)
- Author, Chapter "A Discussion of Emerging Trends in Municipal Law," published in *Aspatore Books: Navigating Municipal Employment Issues*, (West Services Inc. 2011) online at Thomson/Reuter, 2011 WL 6740832 (December 2011)



PIERCE DAVIS & PERRITANO LLP

- Co-Author, Chapter 2: Massachusetts Rules of Evidence in the Federal Courts, *Massachusetts Evidence – A Courtroom Reference* (MCLE 2008)
- Chapter 5, “Legal Defense of Law Enforcement Officers in Police Shooting Cases,” published in *Suicide By Cop – Inducing Officers to Shoot: Practical Direction for Recognition, Resolution, and Recovery*, (Vivian B. Lord) (Looseleaf Law Publications, Inc. 2004)
- Note, *The Serious Juvenile Offender in the Adult Criminal System: The Jurisprudence of Rhode Island’s Waiver and Certification Procedures*, 26 *Suffolk U.L. Rev.* 407 (1992) – cited by RI Supreme Court in *In Re Harrison*, 992 A.2d 990, 998 (RI 2010) and *State v. Day*, 911 A.2d 1042, 1048 (RI 2006)
- Frequent contributor to PDP’s *Developments in Municipal Law* newsletter

Media

- Burial laws raised in Tsarneav matter, *Massachusetts Lawyer Weekly* (May 7, 2013)

Charitable & Civic Involvement

- Volunteer Lawyer for Homeless, see “Pro Bono Victories” (September 15, 2016) and “Former public defender returns to helping the underserved” *Lawyers Clearinghouse* (January 18, 2013)
- Governing Board Member, Boston Community Leadership Academy, Boston Public Schools Pilot High School, Hyde Park Massachusetts