

# Thomas O. Bean

Partner

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Tom represents businesses at the trial and appellate levels in complex disputes with government and with other businesses, and in insolvency matters.

He has successfully tried numerous cases in the United States District Court, Bankruptcy Court, and Superior Court. He has also won 18 cases before the Massachusetts Supreme Judicial Court, and argued four cases before the United States Court of Appeals for the First Circuit. Tom was selected by *Massachusetts Lawyers Weekly* as "Lawyer of the Year" for 2014 for establishing, in a case before the Supreme Judicial Court, the people's right to vote on whether to make casino gambling illegal in the state. In 2016, *Massachusetts Lawyers Weekly* chose to give him its award for excellence in pro bono service.

Tom's cases range from contract disputes to those involving fraud or negligence, as well as disputes with governmental entities. For example, Tom has represented:

- A medical marijuana business appealing de-selection of its registration by the Department of Public Health
- A Fortune 50 company for over a decade in litigation and bankruptcy dealing with financially distressed suppliers
- A major financial institution in cases brought by the Massachusetts Attorney General and others arising out of the mortgage banking crisis

Tom was appointed in 2011 by the Massachusetts Supreme Judicial Court to investigate and prosecute wrongdoing by the clerk-magistrate of a district court, an appointment that led to the clerk's removal from office.

Prior to joining Verrill, Tom practiced at the Boston office of an international law firm with 1,100 attorneys. Before that, he served as a Massachusetts assistant attorney general in the appellate and trial divisions.

Tom serves on the National Advisory Board of the John C. Danforth Center for Religion and Politics at Washington University in St. Louis, and was elected by his peers to serve on the Council of the Boston Bar Association. He was appointed by

## Services/Industries

- Litigation & Trial
- Business & Commercial Disputes
- Appellate
- Bankruptcy and Creditors' Rights

the Massachusetts Supreme Judicial Court to the Client Security Board in 2005; that board hears claims brought by individuals who maintain that their lawyers stole money from them and frequently makes awards of reimbursement. He served as co-chair of the Bankruptcy Section of the Boston Bar Association from 2001 to 2003. He is a member of the American Bankruptcy Institute and lectures frequently on litigation, appellate, and bankruptcy matters.

Tom is a teacher by training and at heart. He taught middle school and high school after graduating from college, and has taught college, business school, and law school courses since becoming a lawyer. He is the co-founder of Spark Academy, a public middle school in Lawrence, Massachusetts, that intertwines academics and physical activity throughout an extended school day. Tom chairs the school's advisory board, and manages fundraising and publicity for the school. Tom also developed the idea for, helped develop the curriculum for, and taught classes to middle school students on search and seizure in public schools through Discovering Justice.

## Education

- University of Michigan Law School (J.D., *cum laude*)
- Harvard University (Ed. M.)
- Washington University in St. Louis (A.B., *cum laude*)

## Bar Admissions

- Massachusetts
- Rhode Island

## Memberships

- Boston Bar Association
- American Bankruptcy Institute

## Honors

- Listed in *The Best Lawyers in America*® under Commercial Litigation, Litigation - Bankruptcy in Boston, Massachusetts (2024)
- Selected by *Massachusetts Lawyers Weekly* for excellence in pro bono in 2016
- Selected by *Massachusetts Lawyers Weekly* as "Lawyer of the Year" for 2014
- Selected by peers for inclusion in the 2005-2020 and 2024 issues of *Super Lawyers* and *Rising Stars*® under Bankruptcy: Business and Business Litigation
- AV® rated by *Martindale-Hubbell*

To learn more about third-party ratings and rankings, and the selection processes used for inclusion, [click here](#).

## Court and Other Admissions

- U.S. Court of Appeals for the First Circuit
- U.S. District Court for the District of Massachusetts
- U.S. District Court for the District of Rhode Island

## Experience

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### **Elections and Constitutional Law: Successfully Challenged Certification of Initiative Petition**

In a victory for consumers and the ride-hailing public, the Massachusetts Supreme Judicial Court recently barred the Secretary of State from placing on the November ballot initiative petitions proposed by companies such as Uber, Lyft, and Doordash that sought to insulate them from liability for automobile accidents and other wrongs committed by their drivers. The consumers were represented by Thomas Bean and Sarah Grossnickle from Verrill Dana LLP and M. Patrick Moore from Hemenway & Barnes LLP.

The Court held that the initiative petitions did not meet the requirement in Article 48 of the Massachusetts Constitution that ballot questions to include only subjects “which are related or which are mutually dependent.” The Court held that the petitions failed the “related subjects” requirement because they contained “at least two substantively distinct policy decisions.” The initiative petitions sought to classify drivers for rideshare and delivery companies as independent contractors and provide certain minimum compensation and benefits. But “buried in obscure language at the end of the petitions” were provisions that also narrowed the scope of tort recovery for third parties, including those who may have been injured in traffic accidents caused by the negligence of app-based drivers, or even sexually assaulted by them.

The Court noted that voters may “strongly approve of better wages and benefits for drivers struggling to make ends meet in the gig economy, but at the same time strongly oppose limiting their own rights to recover money damages from network companies if the tortious actions of drivers who provide services through those companies’ platforms cause them injury.” The Court concluded, “[p]etitions that bury separate policy decisions in obscure language heighten concerns that voters will be confused, misled, and deprived of a meaningful choice -- the very concerns that underlie art. 48's related subjects requirement.”

The decision is [El Koussa v. Attorney General](#), Mass., No. SJC-13237.

## Publications & Podcasts

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April 1, 2021

**The Massachusetts Supreme Judicial Court Clarifies the Contours of the Attorney-Client Privilege and Work Product Doctrine in Internal**

## **Investigations**

March 2, 2021

**Make Your Own Law with Tom Bean**