

# MASSACHUSETTS LAWYERS WEEKLY

## Time for Some R&R

By: [Kris Olson](#), January 19, 2017



After 27 years, most probably figured Michael F. Connolly for a Mintz Levin "lifer."

In fact, as recently as last June, Connolly himself would have agreed, having initially told John A. DeTore, administrative chairman of Rubin & Rudman's executive committee, that there was a "5 percent chance" he would ever leave Mintz, Levin, Cohn, Ferris, Glovsky & Popeo.

But as Connolly lunched throughout the summer with section heads and other Rubin & Rudman partners, that percentage began to rise. By the end of 2016, he was ready to make the move, joining the Boston firm as a partner and co-chair of its litigation department as of the first of the year.

Connolly says Rubin & Rudman's size reminded him of the Mintz Levin he joined in 1989 when it had just over 100 lawyers.

To a base of excellent litigators, R&R has over the past year added some "top-notch hires," Connolly notes.

Those recent hires include Judge Janis M. Berry, who served for 15 years on the Appeals Court after working as an assistant U.S. attorney in Boston, and Evan Georgopoulos, a securities litigation and white-collar defense attorney, formerly of Greenberg Traurig.

Connolly says he envisions Berry taking lead roles in training and also in appellate work while having a "substantial role" in government litigation. Meanwhile, Georgopoulos will focus on internal investigations, resolving white-collar matters, and engaging in commercial litigation that has "collateral consequences."

That's a subject Connolly knows a bit about himself. Before leaving Mintz Levin, Connolly represented two former executives of Curt Schilling's video game company, 38 Studios, as they confronted a fraud lawsuit and a bevy of other investigations and related proceedings. The matters were resolved without Connolly's clients admitting any wrongdoing.

In the final analysis, Connolly views the 38 Studios saga as "a perfect storm" that was adverse to his clients.

The story of 38 Studios in one sense is hardly unique, in that it was a startup that became unable to raise the additional money that it needed, Connolly says. Then, it was unable to get the Rhode Island government to extend its loan and was forced into bankruptcy.

"The litigation and the actions afterwards were hard fought, exhaustive," Connolly says. "I think the result for our clients was a good result. I only wish it could have happened much sooner."

Connolly also counts among his former clients Stephen "Stippo" Rakes, who was tried for perjury after twice telling a grand jury that James "Whitey" Bulger had acquired a liquor store from him in an arm's-length transaction.

The case involved a four-day evidentiary hearing on marital and attorney-client privileges before now-deceased U.S. District Court Reginald C. Lindsay, a successful trip to the 1st U.S. Circuit Court of Appeals, and a trial that played out for more than a month. Jury deliberations extended into a second week, with the jurors at one point expressing to the judge the difficulty coming to a verdict in the case, due to the "equities" involved.

Connolly says he and an assistant U.S. attorney with whom he became friendly also struggled with similar conflicting feelings as the trial was ongoing.

The jury ultimately convicted Rakes, but he avoided prison by finally acknowledging to authorities that the liquor store had changed hands due to the extortion and threats of Bulger and his associates.

Connolly also remains proud of his representation of the co-founder of a North Shore company, initially known as MobileToys, now InstallerNet, which installs electronic equipment in fleets of commercial vehicles.

After a couple rounds of financing, common shares in the company were diluted to the point where the board was taken over, resulting in the ouster of Connolly's client.

They challenged the propriety of the last rounds of financing in the Delaware Chancery Court, and Judge **Leo E. Strine Jr.** ruled in favor of Connolly's client on every claim, he says.

"We had the privilege of being able to get the decision immediately, hire personal security, walk back up to the company that my client founded, walk in there, ask the CEO to leave, vote out the new board, and have my client come in and re-take over the company that he built — after he had been out of the company for two-and-a-half years," Connolly says.

"Cases like that ... stay with me forever," he says.

Mintz Levin Chairman R. Robert Popeo calls Connolly "an outstanding lawyer, person and partner."

Adds Popeo: "His departure is a significant loss to Mintz Levin, but he has a unique opportunity to start a litigation practice at a time in his professional career that he is uniquely qualified to do so."

