



Michael DeMarco

Partner

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OVERVIEW

Michael DeMarco is a partner whose practice concentration is civil litigation and white collar crime. He is a trial lawyer and has tried many cases in civil and criminal courts. Michael is a Fellow of The International Academy of Trial Lawyers, as well as a Fellow of the The International Society of Barristers. For both organizations, fellowship is extended by invitation only to 500 of the best trial lawyers in the United States and 30 foreign countries.

Michael represents the Museum of Fine Arts (MFA) in Boston, Massachusetts, which is the fifth largest museum in the United States. The MFA contains more than 450,000 works of art, making it one of the most comprehensive collections in the Americas. Michael's clients include pharmaceutical manufacturers in cases that are as diverse as product liability claims and the pharmaceutical industry drug pricing litigation (AWP MDL-1456). He also represents medical device manufacturers in product liability litigation and public companies in securities class actions. Michael has also represented a petroleum company involved in mass tort litigation.

For the past ten years, Michael has represented sovereigns including Italy, Spain, France, Ecuador, and Peru. He is currently advising The Kingdom of Spain concerning the ongoing litigation arising out of the Prestige oil spill off the coast of Spain, resulting in over 4 billion dollars in clean-up costs. Michael has recently tried to a successful verdict a commercial case in the U.S. District Court for the District of Massachusetts (*Empire Today, LLC v. National Floors Direct, Inc.; et al.*, No. 1:08-CV-11999-JLT), as well as a commercial dispute concerning the planning and development of the Armenian Genocide Museum in Washington, DC (*The Armenian Assembly of America, Inc., et al. v. Gerard L. Cafesjian, et al.*, No. 07-1259, 08-255, 08-1254).

Most recently, Michael acted as lead international coordinating counsel for the Republic of Ecuador and their Central Bank in a British Commonwealth Court (*Banco Central del Ecuador, et al. v. Ansbacher, et al.*, CL 648/96). He led the team to a significant victory for The Central Bank of Ecuador after a 20-year litigation against three brothers from one of the country's wealthiest families. The Central Bank first filed its claim against Conticorp and the Ortega brothers in 1996 and it has since been disputed in more than a dozen hearings in the Bahamas, Ecuador, and Florida. The recent ruling by the Judicial Committee of Her Majesty's Privy Council in London overturned previous verdicts from the Bahamian Supreme Court in 2010 and a Bahamian appeals court in 2012. The court ordered that the defendants must repay US\$600 million for loans granted to their bank during the 1990s that they backed with worthless assets.

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PROFESSIONAL BACKGROUND

Prior to joining the firm, Michael served as an Assistant Register of Deeds, Assistant Recorder (Land Court) Commonwealth of Massachusetts, and Assistant District Attorney, Suffolk County, Boston, Massachusetts, where he prosecuted major crimes. He was appointed Special Assistant Corporation Counsel, City of Boston and was specifically assigned to represent the Mayor of the City of Boston and the Boston Police Commissioner on special assignments including the Boston school desegregation case (*Morgan v. Hennigan, et. al.*) and police corruption.

Michael has been a long-time supporter of the National Judicial College and is currently a Trustee of the College. He has been included in *The Best Lawyers in America*® since 2003 in the areas of Commercial Litigation; Criminal Defense: White-Collar; and Personal Injury Litigation - Defendants. He has also been listed in *Lawdragon's* "500 Leading Lawyers in America" and "500 Leading Litigators in America." Michael's peer rating in the Martindale-Hubbell directory is AV® Preeminent (Very High General Ethical Standards and Legal Ability Rating). He has also been recognized by *Chambers USA* as one of "America's Leading Lawyers for Business." Additionally, he has been recognized by peers as one of America's "Top 100 Bet-the-Company Litigators" since 2020.

ACHIEVEMENTS

- Listed in *The Best Lawyers in America*® in Boston
 - Commercial Litigation, 2006-2024
 - Criminal Defense: White-Collar, 2012-2024
 - Personal Injury Litigation - Defendants, 2013-2024
- Listed as one of *America's Top 100 Attorneys*, since 2018
- Listed as one of *America's Top 100 Bet-the-Company Litigators*, since 2020

PROFESSIONAL / CIVIC ACTIVITIES

- The Harvard Club of Boston (Member)
- Circulo de Liceu of the Barcelona Opera House (Member)
- Salzburg Music Festival Charitable Foundation (Trustee)
- Barcelona Global Foundation (Member)
- International Bar Association (Member)
- American Bar Association (Civil Litigation Section)
- American Bar Association (Standing Committee on Federal Judicial Improvements, 2005 – 2008)
- American Bar Foundation (Fellow)
- Boston Bar Association (Litigation Section)

- Boston Bar Foundation (Society of Fellows)
- Massachusetts Bar Foundation (Life Fellow)
- The International Society of Barristers (Fellow) - an invitation only organization limited to the best 500 trial lawyers in the United States and 30 foreign countries
- International Academy of Trial Lawyers (Fellow and Board Member) - fellowship is limited by invitation only after a rigorous vetting process to the best 500 trial lawyers in the United States and in 30 foreign countries
- Commonwealth of Massachusetts Board of Bar Overseers (member, Hearing Committee, 1992-1998)
- Honorable Frank J. Murray Chapter of the American Inns of Court, Boston, Massachusetts (Executive Committee 1990 -1992)
- International Association of Defense Counsel
- The Supreme Court Historical Society
- Suffolk University Law School (Adjunct Faculty, 1999-2003)
- National Board of Trial Advocacy (Board of Directors, 1995 - 2000)
- National Judicial College, Board of Visitors (Chair, 2005 - 2008)
- National Judicial College (Board of Trustees)
- American Law Institute
- Member of the AAA National Roster of Neutrals
- The London Court of International Arbitration (LCIA)
- New England Baptist Hospital (Board of Visitors)

EDUCATION

- A.B., Suffolk University
- J.D., Suffolk University Law School

ADMISSIONS

- Bar of Massachusetts
- Bar of New York
- Supreme Court of the United States
- United States Court of Appeals for the First Circuit
- United States District Court for the District of Massachusetts

THOUGHT LEADERSHIP POWERED BY HUB

- 20 October 2022, High Court of Australia to Hear Appeal on Recognition of ICSID Arbitral Award Against Spain in November 2022
- 28 March 2022, High Court of Australia Grants Special Leave to Appeal Decision Recognizing ICSID Arbitral Award Against Spain

OTHER PUBLICATIONS

Michael has written and lectured on various topics of interest in trial practice. Articles he has authored include:

- "Foreign Corrupt Practices Act - American developments," *Financier Worldwide magazine*, 11 November 2008
- "Event Sponsorship Liability," *Federation of Insurance & Corporate Counsel Quarterly*, Spring 1989
- "Federal Preemption and State Failure to Warn Claims," *Federation of Insurance & Corporate Counsel Quarterly*, Fall 1990
- "The Admissibility at Trial of the Settlement of a Joint Tortfeasor," *Federation of Insurance & Corporate Counsel Quarterly*, Spring 1991
- "The Role of Defense Counsel in the Tripartite Relationship," *Federation of Insurance & Corporate Counsel Quarterly*, Summer 1992
- "The Collateral Effects of a Corporate Guilty Finding," presented at the *Defense Research Institute (DRI) Drug & Medical Device Seminar* in Toronto, Canada in 1994.
- *The Tripartite Relationship: A Guidebook for Defense Lawyers*, 1995.
- "The Role of the Company Witness," 1999
- "Representing a Client with Insurance" (Michael DeMarco and Thomas Lammert), *Successful Partnering Between Inside and Outside Counsel (Vol. 2)*, published by the West Group, 2000-present
- "In the Wake of COVID-19: Force Majeure and Business Interruption: What Can We Expect from the Case Law?" (Michael DeMarco and Jacqueline Perry), published by K&L Gates and 2 Temple Gardens, 2020

NEWS & EVENTS

- 18 August 2022, More Than 350 K&L Gates Lawyers Named Among 2023 Best Lawyers in America, Ones to Watch
- 19 August 2021, Nearly 300 K&L Gates Lawyers Named Among 2022 Best Lawyers in America, Ones to Watch

- 6 August 2019, K&L Gates Continues to Assist in Recovery of Hundreds of Millions of Dollars Lost Through 1996 Failure of One of Ecuador's Largest Banks

AREAS OF FOCUS

- Commercial Disputes
- Appellate Litigation
- International Arbitration
- Professional Liability
- Real Estate Litigation
- White Collar Defense and Investigations