

# Christopher A. Duggan

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## Professional Background

Chris is one of the most active trial and appellate lawyers in Massachusetts. He has tried more than 100 civil cases to jury verdict in federal and state courts across Massachusetts and in several other New England states, and has briefed or argued in about 40 cases in federal and state appellate courts across the country. Most recently, he joined with Professor Akhil Reed Amar, Dean Vikrum David Amar and Professor Steven Gow Calabresi in filing an amicus brief in the United States Supreme Court in *Moore v. Harper*, a case involving the meaning and application of Article I §4 of the United States Constitution, which addresses central issues in American Constitutional law including the original understanding of the Framers, federalism, separation of powers and judicial review of state legislative redistricting plans.

Chris's clients include publicly traded and privately held companies, insurers and reinsurers, and individuals in complex, large risk litigation across a broad variety of matters including product liability, premises liability, professional malpractice, aviation, insurance coverage disputes and other high profile, media sensitive matters. He has also represented museums and universities in matters involving title and provenance of art and historic artifacts, a practice area that marries his passion for history and his love for courtrooms.

Chris regularly appears for product manufacturers and large retailers in matters across New England. He has won verdicts for clients in several states in cases involving the design and manufacture of power tools, industrial products, hand tools, electronic sensors and consumer appliances. In these cases, a thorough knowledge of science, design principles and industry standards is critical, and the ability to translate those concepts to a jury is central to achieving favorable outcomes.

Chris's aviation practice includes representing three of the largest commercial air carriers in the world, a Part 139 certified airport, several leading aviation insurance companies and FBOs throughout Massachusetts for over two decades. He has

represented aircraft manufacturers and manufacturers of component parts in high stakes litigation involving alleged defects in both fixed wing and rotorcraft accidents. He also has successfully litigated cases involving interpretation of aviation insurance policies, including a recent precedent-setting decision from the United States Court of Appeals for the First Circuit.

## **History and the Law**

An avid historian, Chris enjoys representing universities, museums and collectors in cases involving authenticity and title to works of art and historic artifacts. In an unusual case tried in the U. S. District Court for the Eastern District of Virginia, he successfully represented an Ivy League university and recovered a highly coveted Civil War Tiffany presentation sword that had been stolen from a university museum and appeared almost four decades later in the possession of a noted Virginia collector. The case garnered national interest among museums and collectors of art and historic artifacts.

Chris has been elected to several invitation-only legal societies including the prestigious American Board of Trial Advocates (ABOTA) to which he was elected in 1997. He served as National Secretary for two years (2012 – 2014) and has been on the Notional Board of Directors for 15 years serving in many leadership roles including his current post as chair of the *amicus curia* committee. In his positions in ABOTA, he created several programs that highlight important but often neglected founders of our nation from the colonial and early post-Revolutionary periods.

He founded the *James Otis Lecture Series*, an annual lecture series for high school students which addresses a different topic of law and history in the American Experience. Prominent scholars such as Gordon Wood, Pauline Maier, Mary Sarah Bilder, Michael Burlingame, Akhil Reed Amar, Daniel Coquillette and many others have participated in the program now in its 19<sup>th</sup> year. The program has expanded to chapters across the country and has reached thousands of students.

In 2009, Chris created the William Whiting Award for Judicial Courage, named for a prominent but largely forgotten Chief Justice of the Massachusetts Court of Equity in Great Barrington who fought with the Massachusetts Line in the American Revolution and later stood for the rights of the oppressed farmers to fair trials following what became known as Shays's Rebellion. Whiting, a founder of the Massachusetts Medical Society, later was one of the delegates to the Massachusetts Ratifying

Convention representing Berkshire County in January of 1788. Whiting Award recipients have included Judge Levin Campbell of the United States Circuit Court for the First Circuit, U.S. District Court Judges Reginald Lindsay (posthumously) and Mark Wolf and Massachusetts Supreme Judicial Court Justices Robert Cordy and Geraldine Hines.

To recognize the critical contributions trial lawyers have made to our democratic government, in 2010 Chris created the Robert Morris Sr. Award for courageous advocacy, named for one of the great lawyers in Massachusetts history. Morris was the first African-American lawyer to try a case in America (successfully) and was co-counsel with Charles Sumner in *Roberts v. City of Boston* an attempt to integrate Boston public schools in 1848. When, in an opinion by Lemuel Shaw the Court ruled against him, he joined with other abolitionist leaders and helped craft legislation that made Massachusetts the first state in the Union to prohibit segregation in elementary schools – in 1855.

Chris has a strong interest in the roots of American constitutionalism in medieval English and European history including Magna Carta as a foundation for due process of law and government of limited powers in America. In 2015, he was one of a few members representing the American Board of Trial Advocates at the 800<sup>th</sup> anniversary celebration of Magna Carta at Runnymede. He has also lectured on how the Constitutions of Clarendon during the reign of Henry II (c. 1165 – 1166) formed an early philosophical basis for the American jury trial.

## **Charitable Work**

Chris served as president of The Charitable Irish Society for four years, 2018 – 2018. The Charitable Irish Society is the oldest Irish Society in the Americas with its founding in Boston in 1737. Originally formed to support Irish protestants as they came to the New World, the Society now assists immigrants from all countries while promoting cultural contributions of Irish immigrants to New England and America.

Chris has written and lectured about the Society's involvement in Colonial and post-Colonial America including a little known but significant role its members played in the events on King Street, March 5, 1770 and in the results of what became known as the Boston Massacre Trial. The deathbed statements of Patrick Carr, the last of the five victims to die, to his physician were highlighted by John Adams in his closing argument in the Boston Massacre trial and is the first known use of the dying declaration exception to the hearsay rule in America.

Chris regularly lectures for the National Constitution Center as part of its Scholar Exchange Program, which he has done since the program was initiated in 2018. He has he has lectured on several aspects of Constitutional history and law and the application of constitutional law to current events. The program reaches high school, middle school and college classrooms across the country, virtually. Chris and has spoken on topics from Principles of the American Revolution to Voting Rights in America.

When COVID hit in 2020, Chris was a founder and board member of Lawyers Honoring COVID-19 Caregivers, Inc., a Charity created by leading members of the Massachusetts Bar to provide financial support for nurses and support staff at Massachusetts hospitals who cared for patients tirelessly and sometimes at great personal risk.

## **Academic Background**

He graduated *summa cum laude*, from Boston College in 1981, and was inducted into several honor societies including *Phi Beta Kappa*, *Phi Alpha Theta* and *Alpha Sigma Nu*. He was awarded Scholar of the College in 1981 for his work, The Nationality Problem in Soviet Central Asia, in which he argued that the rise of Muslim Nationalism might lead to the disintegration of the Soviet Empire in Central Asia.

He holds a law degree from the University of Virginia where he and his partner won the William Minor Lile Moot Court Competition in 1984.

After five years working with the great Tom Burns, Chris co-founded Smith Duggan with Scott Smith in 1989. The firm, which began as a two-lawyer practice, now has over 20 lawyers and is ranked by U.S. News & World Report as among the “Best Law Firms.”

## **Selected Publications**

*Trying Cases to Win: Principles Uniform from Coast to Coast*, (ed., MCLE 2010)

*Magna Carta: Foundation of Freedom, Voir Dire, Fall - Winter* (2014)

*Yawkey Way, Barristers Quarterly* (April 2015)

*November 8, 2016, Barrister's Quarterly (Spring, 2017)*

*The Seventh Amendment and the Confirmation Hearings; Reviving a Constitutional Right, Voir Dire, Spring, 2017.*

*The Rights and Obligations of a Free Press, Voir Dire (2018)*

*Product Warnings in an Increasingly Multicultural Society, For the Defense,  
Defense Research Institute, April, 2019*

*Has The Experiment Failed?, Voir Dire, Spring, 2020*

*An Open Letter to Ms. Macy Gray, Barrister's Quarterly (Fall, 2021)*

*Rules, Rhetoric and Reptiles: the Implications of *Fitzpatrick v. Wendy's* for Trial Practice,  
Massachusetts Lawyers Weekly, June 7, 2021*