

JOSEPH H. REINHARDT, J.D.
Lower Level Office, 3 Forest Drive,
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PROFESSIONAL QUALIFICATIONS

Admitted in Massachusetts -1982; New York - 2000; U.S. Supreme Court - 1986; U.S. Court of Appeals - 1st Cir.-1983, 2d Cir. - 2001, 9th Cir. - 2003, Military Cir. - 1983, Federal Cir. -1992; U.S. District Court-Mass. - 1983, Conn. - 1983, Vt. - 1994; U.S. Claims Court - 1989; U.S. Tax Court - 2001. Adm'd *pro hac vice* in over 15 federal & state courts - 1986-2016.

Martindale-Hubbell "AV" Rating -1997 - Present.

Martindale-Hubbell Client Review Rating- 5.0/5.0 - 2009 - Present, 15 very favorable client reviews.

Massachusetts Super Lawyer -2006.

Life Member Million Dollar Advocates Forum, 2011—; Life Charter Member Best Attorneys of America [Rue Ratings] 2015 –: Avvo - “Superb” Attorney Rating 2019—. American Registry. “America’s most honored lawyers, Top 1%, 2021--

National Association of Legal Fee Analysis (NALFA) - Certificate in Reasonable Attorney Fees, 2018.

NALFA, Senior Fellow, 2018— .

LEGAL WORK EXPERIENCE

Hendel & Collins, P.C. August, 1982 - June, 1998
Attorney: General commercial litigation-trials and appeals; both lead and associate counsel representations of debtor, creditor and trustee interests in commercial and consumer insolvency to include both litigation through the appellate level and case administration through confirmation and closing.

The McCabe Group, P.C. June, 1998 - October, 2004
Attorney. Civil litigation - trials and appeals.

Joseph H. Reinhardt, J.D. November, 2004 - present
Sole practitioner. Civil litigation - trials and appeals [state, U.S. district, circuit and bankruptcy courts] - legal malpractice; bankruptcy adversary proceedings; appeals and fee disputes.

First trial 1968 (Special Court Martial - USMC); Over 35 years experience in civil trials and appeals throughout career.

Available as an expert witness in areas of (1) efficacy of attorney fees & expenses and (2) plaintiff's legal malpractice in civil and bankruptcy litigation - fee requests, trials, appeals and settlements .

EDUCATION

Western New England University School of Law, Springfield, Massachusetts
Juris Doctor May, 1982
Honors:, Law Review, Class standing - Top 16%, Phi Delta Phi, Moot Court Advisor and Judge

Chapman University, Orange, California
Master of Arts February, 1972
Honors: Academic Distinction
Major: Educational Administration

Haverford College, Haverford, Pennsylvania
Baccalaurei in Artibus May, 1967
Honors: Theano Foundation Academic Scholarship
Activities: Varsity Sports [Football, wrestling & track]; College Radio Station (WHRC).
Major: Sociology

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PUBLICATIONS

Three law review articles during law school; one law review article after law school; four articles in the Commercial Law Journal; one chapter in Commercial Law League of America Manual. Topics include tort law, attorney advertising, evidence, personal jurisdiction, bankruptcy jurisdiction and administration. In addition, numerous short articles, notes and precis in various newsletter and pamphlet publications. See publications bibliography for detail and citation of some of these publications in certain Massachusetts statute annotations, state & federal judicial decisions and law review articles.

PROFESSIONAL ACTIVITIES

Secretary, Industrial Revenue Financing Authority, Town of Wilbraham, Massachusetts (1984-1986);
Case Note Editor, Bankruptcy and Insolvency Section Newsletter, Commercial Law League of America (1989-1990);
Panelist, Massachusetts Continuing Legal Education, Inc.: Tort Claims in Bankruptcy (1991), Practical Skills for Lawyers - Bankruptcy (1991 - 1998);
Panelist, Hampden County Bar Association, Experts in Residence, Litigating in the Bankruptcy Court (1996);
Volunteer Attorney, Middlesex County Bar Association Legal Clinic (2004 to 2006);
Volunteer Attorney, USDC(MA) *Pro Se* Mediation Panel Advocate (2011 - forward);
Volunteer Judge - Yale Invitational - Trial Moot Court for Undergraduates (2011 - forward);
Volunteer Judge - Western New England University School of Law - 1st year Moot Court (2011 - forward).

PUBLICATIONS BIBLIOGRAPHY

Strict Liability Under the Massachusetts Tort Claims Act,

3 W. New Eng. L. Rev. 609 (1981);

Cited in M.G.L. Ch. 258; **Birchwood Lakes Colony Club v. Medford Lakes**, 90 N.J. 582, 596 (1982); and

Green v. Commonwealth, 13 Mass.App.Ct. 524, 527 n. 1 (1982); 64 University of Denver L.R. 733 (1987);

Attorney Direct Mail Communication with Prospective Clients,

4 W. New Eng. L. Rev. 397 (1982);

Long Arm Jurisdiction and the United States Constitution: The

Massachusetts Experience, 4 W. New. Eng. L. Rev. 353 (1982)

(Co-authored with Michael G. West, Esq.);

Cited in M.G.L. Ch. 223A; **Belmont Laundry, Inc. v. Coachlight Diner Theater, Inc.**, 1983 Mass.App.Div. 332, 333 n. 3 (1983); 27 U. Mem. L. Rev. 559 (1996);

Book Review, Handbook of Massachusetts Evidence, 5 W. New Eng. L. Rev. 149 (1983) (Co-authored with West);

Inhibiting Post-Petition Bad Check Criminal Proceedings Against

Debtors: The Need for Flexing More Judicial Muscle, 89 Commercial Law Journal 236 (1984) (Co-authored with Philip J. Hendel, Esq.);

Cited in **In re Dettler Farms**, 58 B.R. 404, 406 n. 6 (Bankr. D.S.D. 1986); 65 Notre Dame L. Rev. 165 (1989); 29 Wm. and Mary L. Rev. 579(1988); 62 Ind. L.J. 383 (1987); 19 Conn. L. Rev. 89 (1986);

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PUBLICATIONS BIBLIOGRAPHY (Continued)

Evolution of Bankruptcy Court Jurisdiction After the Bankruptcy Amendment and Federal Judgeship Act of 1984, 90 Commercial Law Journal 272 (1985) (Co-authored with Hendel);
Cited in **In re Fresh Approach, Inc.**, 51 B.R. 412, 418 (Bankr. N.D. Tex. 1985);

Effectuation of Sales of Chapter 11 Estate Assets Not in the Ordinary Course of Business, 92 Commercial Law Journal 168 (1987);
Cited in 29 Wake Forest L. Rev. 1215 (1994); 62 UMKC L. Rev. 277 (1993);

Attempting to Define the Scope of Bankruptcy Court Jurisdiction:
No Miracle Drugs for the Patient, 92 Commercial Law Journal 350 (1987) (Co-authored with Hendel);
Cited in **In re G. Weeks Securities, Inc.**, 89 B.R. 697, 703 (Bankr.W.D. Tenn 1988); 78 Wash. U. L. Q. 1271 (2000); 60 Mont. L. Rev. 415 (1999) ; 42 Buff. L. Rev. 893 (1994);

Bankruptcy Reform Act Manual (4th Edition) 1988 (Contributing Author);

S. 1914, Analysis of Title IV, Small Business Bankruptcy,
Web posted April 27, 1998, American Bankruptcy Institute (Co-authored with Joseph B. Collins, Esq.)

SELECTED SIGNIFICANT REPORTED APPELLATE DECISIONS

Domingo v. Portugues-Santana, 9th Cir. BAP. No. NV 17-1135 (12.26.17) . Bankruptcy Court ruling, after expiration of complaint filing deadline, to allow amendment of non-dischargeability complaint created an impermissible retroactive extension of the non-dischargeability complaint filing deadline. Reinhardt is informed that, as of December 31, 2019, this decision is the first time this bankruptcy judge has had a decision vacated or reversed on appeal.

Portugues-Santana v. Rekomdiv International, Inc., 657 F.3d 56 (1st Cir. 2011) - Required that, on remand, the USDC(PR) review confidential pre-trial settlement with third party and consider an offset of that settlement against the damages awarded by jury at trial if required to avoid double compensation to plaintiff.

Trinh v. Gentle Communications, 71 Mass. App. Ct. 368 (2008)-Upheld jury verdict against an individual professional who engaged in sexual harassment; upheld a judgment by trial court notwithstanding the verdict to reject a jury's \$1 million punitive damages award against the corporate defendant on the basis that the plaintiff failed to cooperate in a corporate sexual harassment investigation. James F. Champa as co-counsel.

Draper v. Centennial Healthcare Corporation, 62 Mass. App. Ct. 1115 (2004) [Appeal no. 2002-P-1718, entry no. 35]-100% of requested appellate fees and expenses [\$96,211.88] awarded per M.G.L. c. 151B § 9.

Gosselin v. Webb, 242 F.3d 412 (1st Cir. 2001)-Further defined the elements of partnership by estoppel for attorneys. Named by Massachusetts Lawyers Weekly as one of the ten most important cases of 2001. Philip Y. Brown as co-counsel.

In re I Don't Trust, 143 F.3d 1(1st Cir. 1998) - Culmination of objection [at Bankruptcy Court, with appeal to U.S. District Court] to Chapter 11 Trustee commission and attorney fees when Debtor sought voluntarily to dismiss Chapter 11. Clarified standard of review on appeal in attorney fee disputes.

In re Replogle, 929 F.2d 836 (1st Cir. 1991)-Attempt by the First Circuit to define certain aspects of Massachusetts law on guarantor liability. Position Reinhardt argued on appeal and which the First Circuit rejected was accepted by the Supreme Judicial Court shortly thereafter in **Shawmut Bank, N.A. v. Chase**, 416 Mass. 1008, 624 N.E.2d 341 (1993).

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SELECTED SIGNIFICANT REPORTED APPELLATE DECISIONS (Continued)

In re Arnold Print Works, Inc., 815 F.2d 165 (1st Cir. 1987)-Considered by many commentators as landmark decision on the issue of bankruptcy court post-confirmation subject matter jurisdiction (core vs. non-core). Reinhardt was on brief.

Gettens Electric Supply Co., Inc. v. W.R.C. Properties, Inc., 21Mass.App.Ct. 648, 489 N.E.2d 217 (1986)- Refined the definition of a written contract for the purposes of the Massachusetts mechanics lien statute.

OTHER SIGNIFICANT PERSONAL ACCOMPLISHMENTS

Boy Scouts of America - 1957- 63 - Eagle Scout [w/ Bronze Palm] -1961 and Order of the Arrow [Vigil] - 1960.

Harvard Club of Delaware, Harvard Book Award - 1962.

Veterans of Foreign Wars, Newark, DE - Outstanding Young American Citizen - 1963.

U.S. Marine Corps - 1966-79. Captain. Three Purple Heart Medals and 26 other personal and unit decorations, awards and commendations.