



Todd & Weld LLP

Benjamin J. Wish

Partner

617-720-2626

bwish@toddweld.com



Benjamin Wish was named as a 2021 Lawyer of the Year by *Massachusetts Lawyers Weekly*.

Benjamin J. Wish, a partner at the firm, is a veteran trial attorney concentrating his practice on complex commercial litigation, shareholder and real estate disputes, and white-collar criminal defense. He regularly appears in federal and state trial and appellate courts on a wide range of matters. Mr. Wish also represents clients on a *pro bono* basis in the defense of their First Amendment rights.

Mr. Wish prides himself on tailoring aggressive, creative approaches to seek expeditious resolutions for his clients. He enjoys tackling challenging matters and especially the opportunity to help individuals and entities in their times of need. Mr. Wish takes the time necessary to listen and understand his clients' priorities from the outset to ensure that the approach is crafted to achieve those goals as efficiently as possible.

His clients include international and national businesses, Massachusetts-based enterprises such as technology firms, real estate developers, and networks of automobile dealerships, and individuals.

Mr. Wish's representative accomplishments include:

- Securing a [\\$30 million settlement](#) on behalf of a Massachusetts-based auto executive resolving a lawsuit against various defendants for breach of contract and other claims.
- Successfully defending a pain medicine physician at trial in federal court against criminal charges that he violated federal drug distribution laws, resulting in the jury acquitting the physician of all charges.
- Obtaining a ruling from the 1st-U.S. Circuit Court of Appeals reversing an order finding the guarantor on a commercial real estate loan liable under an indemnity agreement.
- Persuading a Massachusetts Superior Court judge to [strike as violative of constitutional free speech rights](#) the challenged portions of a school committee's policy on the public's participation in its meetings.

Practice Areas

- Business Litigation
- Civil Rights Litigation
- Appellate Litigation
- Health Law
- Indian and Tribal Law

Representative Results

Complex Commercial Litigation

- In what is believed to be the largest 2021 settlement in Massachusetts, obtained a [\\$30 million settlement](#) on behalf of an auto dealership executive resolving his lawsuit against various defendants for breach of contract and fatally harming the network of auto dealerships
- Obtained a stay order in federal court stopping a lender from liquidating collateral assets to satisfy a \$4 million commercial loan to the firm's client, a medical diagnostics company.
- On behalf of an auto dealership, successfully resolved a dispute with an auto manufacturer resulting in the manufacturer's withdrawal of a franchise termination notice of the auto dealership.
- Obtained a preliminary injunction on behalf of a business owner requiring a co-owner not to make any decisions regarding the business without his client's consent.
- Obtained summary judgment for business owners establishing that, contrary to claims of plaintiffs, their new venture did not require further approval by a commission overseeing local zoning boards.
- Following a four-day bench trial, obtained a judgment requiring the sale of a Dunkin' Donuts franchise location to his clients.
- Won a jury trial in Massachusetts Superior Court on behalf of a real estate development company defending against a former employee's claim for millions of dollars of company profits.

Appellate Practice

- Obtained a ruling from the 1st-U.S. Circuit Court of Appeals reversing an order finding the guarantor on a commercial real estate loan liable under an indemnity agreement.
- Secured affirmation by the Massachusetts Appeals Court of trial court's ruling ordering sale of business.

Criminal Defense

- Successfully defended a pain medicine physician at trial in federal court against criminal charges that he violated federal drug distribution laws, resulting in the jury acquitting the physician of all charges.
- Resolved charges against physician accused of criminal drug distribution for the prescription of opioids to chronic pain patients without any prison sentence.

- Secured complete dismissal of criminal charges of mail fraud, false ERISA statements, and other charges brought in federal court against small business owners amounting to \$2 million in alleged but unproven harm.

Civil Rights

- As cooperating counsel for the ACLU, persuaded a Massachusetts Superior Court judge to [strike as violative of constitutional free speech rights](#) the challenged portions of a school committee's policy on the public's participation in its meetings.
- As cooperating counsel for the ACLU, obtained on a *pro bono* basis a temporary restraining order allowing Occupy Boston protesters to remain encamped in Dewey Square in Boston under the 1st-Amendment.
- Won a judgment at trial before the U.S. District Court for the District of Massachusetts (including attorneys' fees and punitive damages) for a businessman whose confidential and largely false criminal-record information was published and disseminated publicly, including expunged records that were decades old.

Experience

- Todd & Weld LLP, 2011-present
- Goodwin Procter LLP, 2008-2011
- Lecturer in Law, Boston College, 2008

Bar Admissions

- Massachusetts
- U.S. District Court, Massachusetts
- U.S. Court of Appeals, First Circuit

Education

- Boston College Law School (J.D., *cum laude*) Executive Editor, *Environmental Affairs Law Review*
- Bates College (B.A., *cum laude*)

Professional Activities

- Boston Bar Association
- Massachusetts Bar Association
- ACLU Amicus Committee

Publications/Presentations

- 'Double-Breasted' Operations Face Criminal Risk, *Law360*, Oct. 19, 2017
- Caution And Care No Longer Enough, *Banker & Tradesman*, Aug. 17, 2015

- [Chapter 93A Class Certification Requires Showing of Common Causation](#), -Winter 2015 ComCom Quarterly, Massachusetts Bar Association
- Panelist, "Policing the Occupy Protests: How Well Did Cities Respond?" Suffolk University Law School-2012
- Speaker, Social Media Defamation Litigation-BBA 2013

Honors and Awards

- Named by *Super Lawyers* to Massachusetts Rising Stars for Business Litigation, 2013-2022
- Certificate of Achievement, National Lawyers Guild

In the Community

- Member, Town of Brookline Conservation Commission (2018-present)
- Member, Bates Boston Business Network Steering Committee

News & Insights

- 17 Todd & Weld Attorneys Selected to Boston Magazine's 2022 Top Lawyers
- 30 Todd & Weld attorneys named 2022 Massachusetts Super Lawyers and Rising Stars
- Ben Wish offers analysis of court decision rescinding tribal sovereign immunity
- Mass. Lawyers Weekly spotlights firm's \$22M countersuit in fee dispute and legal malpractice case
- Ben Wish honored by Massachusetts Lawyers Weekly as a 2021 Lawyer of the Year
- 30 Todd & Weld attorneys named 2021 Massachusetts Super Lawyers and Rising Stars
- Ben Wish comments in news article on damages standard for tort fraud claims
- Firm representing couple in civil rights lawsuit against town over rejection of condo development
- Ben Wish assesses court decision in negligence case involving fire-damaged commercial building
- Todd & Weld receives Law Firm Pro Bono Award at MBA's Access to Justice event
- Ben Wish quoted in news article on proposed changes to court rules on conducting depositions
- 30 Todd & Weld attorneys named 2020 Massachusetts Super Lawyers and Rising Stars
- Ben Wish quoted in Boston Globe article on appeals court argument in Mashpee Tribe land trust dispute
- Ben Wish elected to partnership at Todd & Weld LLP
- Ben Wish quoted in Law360 article on Indian tribe's appeal
- 31 Todd & Weld attorneys named 2019 Massachusetts Super Lawyers and Rising Stars
- 30 Todd & Weld attorneys named 2018 Massachusetts Super Lawyers and Rising Stars
- Benjamin Wish files lawsuit on behalf of mothers of former Natick students to defend free speech rights
- Law360 publishes article by Benjamin Wish on risk of criminal charges arising from 'double breasted' business operations
- 24 Todd & Weld attorneys named 2017 Massachusetts Super Lawyers and Rising Stars

- Benjamin Wish presents on minimizing legal risks in prescribing pain medicine
- Eric Asquith, Benjamin Wish to present at BBA as part of Litigation Fundamentals Series

Results

- Federal judge rejects Town of Natick's request to dismiss race bias suit of property owners
- Firm obtains stay order forestalling collection of \$4M SBA loan
- Firm obtains \$30M breach of contract settlement for auto executive
- Firm persuades Superior Court to deny request for dismissal of challenge to liquor license suspension
- ACLU, Natick School Committee settle free speech case
- David Rich, Ben Wish obtain favorable ruling from SJC under Mass. Tort Claims Act
- Court rules Natick School Committee speech policy unconstitutional
- Benjamin Wish obtains preliminary injunction ordering school district to stop suppressing free speech rights
- Federal judge allows client's retaliation claim, federal civil rights claims to proceed
- Howard Cooper, Benjamin Wish obtain dismissal of federal criminal case
- Nicholas Carter and Benjamin Wish win appeal requiring sale of franchise location to clients