



Daniel J. Procaccini

Shareholder, Providence, RI

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PRACTICE AREAS

Litigation

Complex & Business
Litigation

Intellectual Property
Litigation

Products Liability/Toxic
Tort/Mass Torts

White Collar Criminal
Defense

Intellectual Property

Labor & Employment

EDUCATION

Boston College Law
School (J.D., 2011)

Loyola University
Maryland (B.A., 2008,
summa cum laude, Phi
Beta Kappa)

ADMISSIONS

Rhode Island

Massachusetts

U.S. District Court,
District of Rhode Island

U.S. District Court,
District of
Massachusetts

OVERVIEW

Dan Procaccini is a seasoned litigator who clients trust to champion and protect their interests. Drawing over a decade of versatile experiences, Dan represents businesses and individuals in complex [commercial litigation](#), [product liability actions](#), [employment issues](#), [intellectual property conflicts](#), [land use contests](#), and constitutional challenges. He advises clients across a variety of industries, including product manufacturers, financial institutions, healthcare organizations, non-profits, and technology companies. He also regularly represents public agencies and state departments. Though anchored in Rhode Island, Dan frequently argues in state and federal courts throughout New England and has litigated in states throughout the country.

In the courtroom, Dan is a sharp and respected advocate. He has fought for clients at trial in a range of civil and criminal matters. He served as a special assistant district attorney in Norfolk County, Massachusetts, trying more than a dozen cases to verdict and as trial counsel with a state-appointed special prosecutor in a high-profile, multi-defendant felony criminal prosecution.

Maintaining strong community ties is a core principle of Dan's practice. He is a panel attorney for Rhode Island's federal civil pro bono program. He has provided hundreds of hours of *pro bono* legal aid for non-profit arts organizations, incarcerated individuals, and low-income clients with urgent needs. In one such action, he achieved statewide reform in Massachusetts by spearheading litigation to eliminate a rule that unfairly denied underprivileged teenagers' merit-based aid for higher education.

Prior to joining AP&S, Dan practiced with a national law firm headquartered in Boston. He also served as a law clerk for the Honorable William E. Smith in U.S. District Court for the District of Rhode Island, and the Honorable Francis X. Flaherty, Associate Justice of the Rhode Island Supreme Court.

Dan is an enthusiastic advocate for the performing arts and serves on the Board of Directors of the Wilbury Theatre Group.

U.S. Court of Appeals for
the First Circuit

REPRESENTATIVE MATTERS

- Representing financial services firm in various employment disputes, including claims of unlawful solicitation, breach of nondisclosure obligations, and misappropriation of trade secrets.
- Representing financial services firm in government enforcement action concerning disability accommodation policies and practices.
- Successfully represented general contractor sued in a prevailing wage dispute by a Rhode Island state agency, achieving dismissal of all claims in a case of first impression concerning the subject matter jurisdiction of the Rhode Island Superior Court.
- Defending a United States aircraft engine manufacturer in product liability and wrongful death actions alleging strict liability claims of design defect and failure to warn.
- Principally responsible for leading and resolving an internal investigation for a private university following allegations related to the improper release of student records and health care information.
- Successfully resolved a shoreline property rights dispute for a national real estate development company, including achieving the dismissal of substantial claims early in the proceeding.
- Represented the Commonwealth of Massachusetts at trial as a special assistant attorney general to prosecute felony charges arising out of the in-custody death of a patient detained in a state hospital.
- Spearheaded a multinational technology company's internal business investigation concerning potential Foreign Corrupt Practices Act violations by a rogue employee.
- Represented several independent state agencies in various lawsuits alleging wrongful or uncompensated takings of private land for public use.
- Secured victory following a Superior Court trial for members of a nonprofit who sued the organization's board of directors and third parties for breach of contract, breach of fiduciary duty, and aiding and abetting a breach of fiduciary duty.
- Successfully resolved state attorney general investigation into health care organization concerning alleged violations of consumer protection statutes, health regulations and the state false claims act.
- Successfully defended nonprofit owner of national historic landmark before Massachusetts Building Code Appeals Board and in Superior Court appeal concerning interpretation of state building code.
- Principally responsible for representing a group of Massachusetts high school graduates alleging unconstitutional discrimination in the award of merit-based scholarships to state colleges and universities, securing statewide regulatory reform of award criteria to remedy an equal protection violation.

- Advised consumer products manufacturer concerning regulatory requirements for potentially defective product that posed a risk of injury to consumers.

SEMINARS / PUBLICATIONS

Seminars

- Panelist, Putting Your Client Under the Microscope: Best Practices in Business Investigations, RIBA Annual Meeting (2017)
- Panelist, What We Have Here is a Failure to Communicate: Assessing the Credibility of Non-English Speaking Witnesses RIBA Annual Meeting (2011)

Publications

- Co-Author, *SEC Enforcement Year in Review: Actions and Issues from 2016*, The Investment Lawyer (January 2017)
- Co-Author, Massachusetts Chapter, *Business Torts: A 50 State Guide*, Wolters Kluwer (ed. 2015–2017)
- Co-Author, *RICO Indictment of NECC Executives for Acts of Second-Degree Murder: An Unprecedented Approach to Regulatory Violations*, Foley Hoag Business Crimes Perspectives (Jan. 26, 2015) (selected as JD Supra 2016 “Top Read”)
- Co-Author, *Johnson v. SmithKline Beecham: A Textbook Application of Corporate Citizenship Principals*, Legal Backgrounder Vol. 29, No. 10, Washington Legal Foundation (2013)
- What We Have Here is a Failure to Communicate: An Approach for Evaluating Credibility in America’s Multilingual Courtrooms, 31 B.C. J. OF LAW & SOC. RESPONSIBILITY 163 (2011)
- First, Do No Harm: Tort Liability, Regulation and the Forced Repatriation of Undocumented Immigrants, 30 B.C. J. OF LAW & SOC. RESPONSIBILITY 475 (2010)

HONORS

- Named 40 Under Forty, Providence Business News.
- Selected as Best Lawyers: Ones to Watch, 2021 -2024 in the field of Commercial Litigation.
- Senior Articles Editors, Boston College Journal of Law and Social Responsibility
- Loyola University Carrell Medalist in English
- Loyola University Medalist in Political Science
- The Hon. Robert J. Gerstung Award for Commitment to Law

- Top Ten Oralist, Wendell F. Grimes Moot Court Competition

PROFESSIONAL AFFILIATIONS

- Chair, Rhode Island Bar Association, Bench/Bar Committee
- Leadership Rhode Island, Sigma II Class (2022)
- Member, Rhode Island Bar Association
- Member, Rhode Island Chapter, Federal Bar Association

IN THE COMMUNITY

- Board Member, Inspiring Minds.
- Greater Providence Chamber of Commerce, Transportation Committee, (Nov. 2022 – present).
- Council Member, U.S. District Court for the District of Rhode Island Court Advisory Council (January 2023 – present).
- Vice President, Board of Directors, The Wilbury Theatre Group (2016 – present).