



Senior Counsel | Providence, RI | Boston, MA

## R. Bart Totten

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### Overview

Bart Totten concentrates his practice on [complex commercial litigation](#). He has substantial experience representing clients before federal and state trial and [appellate courts](#) and working with in-house counsel on significant litigation matters. Bart's clients count on him for responsive and practical solutions to complex business problems. As a veteran trial lawyer, he has achieved notable success in a wide range of commercial disputes.

Bart is a trained industrial and systems engineer and brings deep understanding to highly technical issues.

### Experience

- Bart was trial counsel in a three-week trial in Rhode Island federal court defending a constitutional challenge brought by the American Trucking Association to the State of Rhode Island's implementation of truck tolls on the interstate. On appeal, the United States Court of Appeals upheld the constitutionality of the truck tolls.
- Bart was trial counsel in a two-week trial in federal court in Massachusetts representing a publicly traded company in a \$70 million misappropriation of trade claim brought against Bart's client. Following trial, the Court found in favor of Bart's client on all claims against it and, in addition, awarded damages on the client's counterclaim.
- Bart was lead trial counsel representing the State of Rhode Island in claims brought by the ACLU and others challenging the State's right to remove encampments from the grounds of the State House. Following trial, the Court entered judgment in favor of the State.
- Bart represented the Rhode Island Economic Development Corporation (RIEDC) in a \$100 million claim brought by port developers, based on the RIEDC's rejection of their development plan. After a two-week arbitration under American Arbitration Association commercial arbitration rules, the arbitrator entered a defense award for his client.
- He defended the City of Woonsocket, Rhode Island, in a constitutional challenge to the city's eminent domain power, with a multimillion-dollar city drinking-water system at stake. After a bench trial, the court entered a judgment for the city, allowing it to continue its project and forestalling similar claims against other municipalities.
- Bart was the lead trial attorney in a two-week trial involving a significant real property dispute. An innovative legal defense strategy resulted in a trial verdict in favor of his client that was upheld on appeal to the Rhode Island Supreme Court.
- Bart represented a publicly traded national corporation in federal court litigation involving allegations of misappropriation of trade secrets and international interference with contract arising out of the hiring of a competitor's former employees. An aggressive litigation posture led to a very favorable resolution in mediation.
- Bart was the lead trial counsel in a commercial contract dispute involving claims to enforce a restrictive covenant against his client that would have effectively put the client out of business. After the close of the plaintiff's evidence at trial, Bart convinced the trial judge to

dismiss the case.

## Credentials

### Practices

- [Intellectual Property](#)
- [Litigation](#)
  - [Products Liability/Toxic Tort/Mass Torts](#)
  - [Complex & Business Litigation](#)
  - [Intellectual Property Litigation](#)
- [Construction](#)

### Education

- University of Virginia School of Law (J.D., 1989)
- University of Florida (B.S., with honors, 1986)

### Admissions

- Rhode Island
- Massachusetts
- Maine
- U.S. District Court, District of Rhode Island
- U.S. District Court, Eastern District of Pennsylvania
- U.S. District Court, Southern District of Florida
- U.S. Court of Appeals for the First, Third and Eleventh Circuits

### Honors

- Selected by his peers for inclusion in the 2020 – 2026 editions of *The Best Lawyers in America*.<sup>®</sup>
- AV rated by *Martindale-Hubbell*, its highest rating for attorneys.
- Nominee, Rhode Island Bar Association Dorothy Lohmann Award for Public Service.
- Honors graduate in industrial and systems engineering, University of Florida.

### Seminars/Publications

- Co-Author, State Law Chapter, Consumer Protection Law Developments II.
- Panel Speaker, RI Bar Association Annual Meeting.
- Author, ABA Journal on Antitrust Law.
- Author, Rhode Island Bar Journal.
- Author, ABA's Consumer Protection Law Developments (RI Chapter).

## Professional Affiliations

- Member, Rhode Island Bar Association.

## In The Community

- Jamestown Education Foundation Board Member, (2 terms).
- Big Brothers of Rhode Island (Former Advisory Board of Directors member and Big Brother; Former Chair, Corporate Campaign and Planned Giving Program).
- Former Director and executive committee member, Rhode Island Red Cross.