

BIOGRAPHICAL INFORMATION

HAROLD J. CASSIDY

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Harold Cassidy has engaged in a broad variety of litigation, both trial and appellate, in his 40 years in the private practice of law. Mr. Cassidy was designated by the New Jersey Supreme Court as a Certified Civil Trial Attorney and is a past member of the Board of Governors of the Association of Trial Lawyers of America, New Jersey. He was selected by the New Jersey Governor to serve as a member of the New Jersey Bioethics Commission, and was a Delegate to the American Bar Association convention on Life, Death and the Law. He has been honored for his achievements in the law by being selected *Person of the Week* by the ABC World News with Peter Jennings.

At the end of the twentieth century, a prominent publishing house published a book on the one hundred most important legal cases of the twentieth century. Two of Mr. Cassidy's cases were listed and discussed. No attorney had more cases listed.

Mr. Cassidy has litigated numerous cases of public importance in a variety of areas of practice.

In the area of *criminal law*, he was counsel in the New Jersey Supreme Court's leading case which established the right of one accused of a crime to have independent legal counsel. He successfully litigated the first case in the nation in which an Appellate Court established the right of a defendant, in a cross-racial identification case, to require the state to hold a line-up which would include specifically identified non-defendants. Mr. Cassidy was also a member of the legal team which won Rubin "Hurricane" Carter, a well-known professional boxer wrongfully convicted of triple murder, his freedom in court proceedings which lasted nineteen years.

In the area of *medical legal and tort law*, Mr. Cassidy handled more than a thousand different cases. Cases of public interest included Mr. Cassidy obtaining the first jury verdict, in New Jersey, in which a jury returned a liability verdict against a doctor and nurse for the suicide death of their psychiatric patient. He also was counsel in the New Jersey Appellate case that created a new rule of law which tolled the commencement of the statute of limitations in cases where a minor was sexually assaulted and the resultant psychological injury prevented the victim from timely asserting her rights. He obtained significant recoveries in novel cases, such as the Hudson County Jail Fire Case, and the Breach of Security Case at Rutgers University.

Mr. Cassidy established important precedent in an abortion malpractice case which established that a first trimester abortion involved the death of a family member.

In the area of *commercial litigation*, Mr. Cassidy successfully defended, on behalf of the Federal Government's banking regulatory agency, the FDIC, the first post-bank closing due process hearing in the history of New Jersey. He litigated cases which provided the initial construction of the legislation which created the Resolution Trust Corporation. He also was counsel in the case in

which the New Jersey Supreme court struck down state fees imposed upon Federal agencies as violative of Federal Law and the Supremacy Clause.

Perhaps, most significantly, Harold Cassidy is considered as the leading and most accomplished attorney in the nation as a defender of the *rights of pregnant mothers*. He distinguished himself as a defender of the right of pregnant mothers to maintain their constitutionally protected relationship with their children. He secured the return of children to their mothers in situations where the mothers' rights were violated and their surrender of their constitutional rights were uninformed or involuntary. He was Chief Counsel in the famous *Baby M* case, the first case in the United States to strike down surrogate parenting contracts as illegal, unenforceable, against public policy and exploitive of women. The *Baby M* decision influenced the development of the law throughout the world. In 2009, he successfully litigated the first contested "gestational" surrogacy case in the history of New Jersey, where the mother who carried the child was not genetically related to the child, obtaining a decision that the woman who carried the child was the legal mother, that the contract was unenforceable, violative of public policy, exploitive of women, and the consent for adoption, resulting from compulsion of the contract, was void.

For the past twenty years, Mr. Cassidy has devoted a large part of his practice to protecting the rights of pregnant mothers particularly in matters involving abortions where abortion providers have violated the rights of the mothers and subjected them to procedures without obtaining informed and voluntary consent. He has established important precedent in this area of practice.

Harold Cassidy is now widely consulted by various state legislatures for his legal expertise in the area of mothers' rights and abortion law, and he has assisted in drafting and defending legislation in this area of the law.

Mr. Cassidy obtained a ruling, from an *en banc* Court of the United States Court of Appeals, that it is constitutional for a state to require an abortion doctor to disclose that an "abortion terminates the life of a whole, separate, unique, living human being" because it is an accurate statement of scientific fact. In that case, he assembled a world class team of experts, including leading experts in the fields of molecular biology, human embryology and human genetics. He obtained a separate opinion from a second *en banc* panel of the US Court of Appeals that upheld the statutory requirement that an abortion doctor must disclose to a pregnant mother, that an abortion will place her at increased risk for suicide ideation and suicide.

Mr. Cassidy has lectured widely on the rights of women including addresses at the *Harvard Law Forum*, *Yale Law School* and *Princeton University*. He has appeared on National and International television, including appearances on *Nightline*, *The David Brinkley Show*, and *The David Frost Show* in London.