



## Who is Ed O'Reilly?

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### **And why does the Gloucester lobsterman-turned-lawyer think he can beat U.S. Sen. John Kerry**

Though not nearly as scandalous as the Beverly Farms Horribles Parade, which made national headlines earlier this month by lampooning teen pregnancy, Edward J. O'Reilly's float in neighboring Gloucester's 4th of July parade raised a few eyebrows nonetheless.

O'Reilly, a criminal defense lawyer and first-ever Democratic challenger to U.S. Sen. John Kerry, enlisted a friend to rig a windsurfing board to the back of a truck. Blowing in the breeze was a sail with the word "Flip" on one side and "Flop" on the other, while a figure wearing a John Kerry mask and T-shirt balanced on the board.

"People were yelling at him, giving him the finger," O'Reilly recalls a week after the parade. "It was great!"

That kind of over-the-top campaign stunt is typical for the Gloucester attorney, the unlikely opponent of the former presidential candidate. Stocky and intense beneath a shock of frizzy gray curls, 54-year-old O'Reilly is a virtual no-name who's betting that Massachusetts Democrats are tired of Kerry — so tired, in fact, that they will vote for an outsider who has never held a statewide political office.

To court disenchanted Democrats, O'Reilly has built a platform that is straight out of the progressives' playbook: He is calling for an immediate withdrawal of troops from Iraq, nationalized health insurance and reform of the education system. The centerpiece of his campaign is a plan to rescue the economy and reduce dependence on fossil fuels by funding locally owned power companies and reviving hydroelectric power in Massachusetts.

#### **Knows the state**

What are his chances? Most say highly unlikely, but last month O'Reilly won 22.5 percent of delegates' votes at the state Democratic convention and thus a spot on the ballot against Kerry in the Democratic

primary in September.

While the most recent political position O'Reilly has held was the chairmanship of the Gloucester School Committee — for half a term in 1993 — he seems unconcerned about his lack of political experience, basing his campaign instead on the strength of his 26-year career as a lawyer.

“It’s a lateral move for me,” he says of a would-be seat in the U.S. Senate. “I’ve done 1,500 trials, [in] 65 courts in the state. I know this state as well as anybody knows this state. [Being a senator uses] the same skills I have as a trial lawyer. I’m talking about fighting every day for 25 years. My skill is trial work. My skill is communication with people, and also not backing down.”

But now that O'Reilly is a contender in the race, the job that he has been proudly touting has become the subject of controversy. The Kerry campaign — sounding eerily similar to that of former gubernatorial hopeful Kerry Healey, which attacked Gov. Deval L. Patrick’s record as an attorney in 2006 — has begun to quietly direct attention to O'Reilly’s career as a criminal defense attorney in the hope that a law-and-order electorate will be outraged by some of his clients.

### **‘Wrestling alcoholics’**

The product of a large, politically active family, O'Reilly likes to remind people that he had to make his own way in the world.

“I was born into a housing project,” he says. “I was just a regular kid; I went to Watertown public schools; I put myself through college. That’s the big difference between me and Kerry. The big difference is that I know what it’s like to work for a living.”

And he has the résumé to prove it. At various points in his life, he has been a commercial lobsterman, a prison guard, a corrections counselor, a teletype machine operator and a short-order cook. But the job that is nearest and dearest to his heart is firefighting, a vocation introduced to him by his father, the Watertown fire chief. O'Reilly says he’s especially proud of the fact that he worked as a firefighter through both college and law school.

His blue-collar background may be his most powerful asset. O'Reilly uses it to establish rapport with juries and courthouse personnel and to contrast himself with Kerry, whom many view as cold and out of touch with constituents.

O'Reilly, on the other hand, appears very much at home with potential voters, if a recent weekday in downtown Gloucester is any indication. He cannot travel the streets of his gritty adopted hometown without stopping to chat with firemen about former colleagues or to greet cops who recognize his car and wave him over to talk. A fisherman in a pickup truck holds up traffic at an intersection to wish him well in his campaign. With each acquaintance, O'Reilly is ready with a comment about their families, their jobs and their lives.

“One of the things I have is a connection to ordinary people,” he says.

Perhaps it is O'Reilly’s personal life that people relate to. A former alcoholic, he is the divorced father of a 26-year-old daughter and has a longtime girlfriend.

O'Reilly says his battle with alcoholism, which he conquered in 1989, made him gravitate to drunk-driving cases.

“The backbone of any criminal defense practice is going to be driving under the influence, because people can pay for lawyers,” he says. “But for me, it was more than that, because I can relate to people with alcohol problems. I understand alcohol. I could help people with alcohol problems. A lot of people

would come into my office in denial, and part of my job is not to be an enabler. When people ask me what I do, I say I'm a professional wrestler. I've been wrestling alcoholics for 25 years."

### **'Colombo-esque'**

O'Reilly says he always wanted to be a lawyer and a politician.

As an undergraduate at the University of Massachusetts in Amherst in the 1970s, he helped establish the major of legal studies. After college, while working as a security guard at the state prison in Norfolk, he became interested in criminal defense work. He went to New England School of Law at night, working as a firefighter and lobsterman by day to pay the bills.

After he passed the bar in 1982, O'Reilly took cases in Essex and Middlesex counties as a bar advocate.

A year later, he launched his local political career by winning a two-year seat on the Gloucester City Council.

Meanwhile, as soon as he had banked enough experience as a bar advocate, O'Reilly hung out a shingle advertising his sole practice in criminal defense.

He quickly became a well-known fixture within the North Shore defense bar, representing several high-profile and controversial defendants, including George Sideris, a police officer who brutally beat his 73-year-old mother on Thanksgiving Day in 2004, and a man who had attempted to smuggle heroin into Gloucester in 1985 with the help of a woman who hid the drugs in her vagina.

In a recent case that made the news, he represented a Gloucester High School teacher who was arrested on a drunk-driving offense for the fourth time. She was eventually sentenced to four-and-a-half years in prison.

Those who have seen him in action are impressed with O'Reilly.

"He's a great lawyer," says Donald R. Bumiller, the incoming president of the Essex County Bar Association. "He connects with jurors like few people can."

John B. Brennan, an assistant district attorney in Essex County who has prosecuted dozens of O'Reilly's clients, calls him "impressive."

"He's very personable, but at the same time he's respectful and deferential to everyone in the court, from his own client to the court officers. He's very passionate. He would come to court prepared and know the defendant's family, background, educational background and work history. He was not one of those lawyers who would come into court and wing it," Brennan adds.

"The thing is, it's effective because it's real," says Benjamin M. Richard, a former assistant district attorney who was O'Reilly's law partner before taking over the practice. "He's honestly interested in people and in hearing their stories, and that is reflected in how he defends people. He's not a classically trained speaker, but he's entertaining as hell to listen to. He's extremely quick-witted and has a little bit of a Colombo-esque ability to seem like he doesn't really know what's going on, and then turn it around."

### **Blood on his hands?**

Although O'Reilly the politician is running on his experience as a lawyer, he avoids discussing his cases. That reticence may be because his specialty, representing drunk drivers, is becoming a political hot potato.

Days after O'Reilly's impressive performance at the convention, the State House News Service quoted Ron Bersani, whose late granddaughter inspired the anti-drunk-driving measure known as "Melanie's Law," criticizing O'Reilly for representing drivers operating under the influence.

"I find it offensive that people who do what he does for a living try to take a higher moral ground by saying they're defenders of the Constitution," Bersani said. "I think they've got blood on their hands. They're profiting by putting people at risk."

The State House News Service report noted that Bersani had "had some contact with Kerry's campaign" before the story was written.

O'Reilly is convinced that Bersani's comments were prompted by the Kerry campaign. His reputation for defending drunk drivers is not widely known, he says, and the State House News Service story was a vehicle for making it part of the public record.

"How did this guy [Bersani] know what I did for a living?" he asks. "I'm a criminal defense lawyer — it's not like I advertised. That was one of the things they're going after me for: being a drunk-driver lawyer for repeat offenders. The reason that story came out when it did is that I had built up a lot of momentum. Boom! As soon as I started building momentum, out came that story."

Kerry, himself, is a former Middlesex County prosecutor, which makes his campaign's alleged efforts to use O'Reilly's legal career against him noteworthy. When contacted by Lawyers Weekly, the Kerry campaign had no comment.

### **'He won't win'**

Aside from Ron Bersani, no one seems willing to say anything critical of Ed O'Reilly. But that unwillingness may not necessarily be a measure of his popularity; rather, it is likely a sign that he is yet to be considered a legitimate candidate.

"I don't know the man," says Barry B. White, a key fundraiser for Kerry and a lawyer at Boston's Foley Hoag. "He's never run for office that I know of. He could be terrific, but it's hard to get known in the state, and we have a history of returning good public servants to office. I think John Kerry has done a fabulous job. I don't think this election is going to cause any more sparks than usual."

Jon Keller, the contrarian political analyst for WBZ-TV, says the "worst thing I can say about him is that he won't win. In fairness to John Kerry, his moment of truth is at hand. Look at O'Reilly. Setting aside his fitness to be a serious political candidate, he's basically a working-class guy from a working-class community. In other words, exactly the kind of person that John Kerry has all too infrequently paid attention to. So it's fitting that he should be the voice of the disgruntled Democrat."

Adds Keller: "The best contribution that O'Reilly can make to the commonwealth is to throw enough of a scare into John Kerry to jumpstart his better instincts at the time we need them most."

But O'Reilly, who gave up his law practice a year ago to run his campaign full time, does not see himself as a mere prop in Kerry's re-election efforts. In fact, if he loses the primary, he has no plans to return to his criminal defense practice, noting that he "was ready to move on to something else."

Until then, however, he has his sights set on one thing only.

"I want this job," he says. "This is what I'm looking at."

