

Massachusetts

GO TO Lawyers

Construction

Letter from the Publisher



Dear readers,

Welcome to Massachusetts Go To Lawyers, a feature we debuted in 2020 to showcase leaders in the Massachusetts legal community by practice area.

For this list, we've chosen to focus on Construction lawyers. The attorneys featured here were all nominated by their colleagues and chosen by a panel from Lawyers Weekly. We expect that some readers will argue that there are some excellent lawyers who should have been included. Let us know! And we look forward to featuring more outstanding attorneys in the next category, Intellectual Property. The Go To Lawyers in that field will be recognized in June.

Susan A. Bocamazo, Esq.
 Managing Director
 Bridgetower Media

2023 Go To Lawyers

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JOSEPH A. BARRA

**Partner, Robinson & Cole
Boston**

With more than three decades of experience, Joseph A. Barra is a noted authority on construction law who has written and presented articles on an extensive array of topics in the field, including building information modeling, public-private partnerships, risk management and alternative dispute resolution. He worked as an engineer for a consulting firm before beginning his legal career.

Barra has represented entities ranging from hospitals and schools to wastewater facilities and airports. His achievements include representing an international contractor in drafting and negotiating aspects of a \$378 million hydroelectric plant in Panama; working with a construction client in a dispute over an \$80 million I-95 vehicle bridge in Rhode Island; and representing a developer during the construction of a 29.5-mile natural gas pipeline.

His clients have included public and private owners and developers, design professionals, general contractors, construction managers, subcontractors, material suppliers and engineering, procurement and



construction contractors, as well as sureties and construction lenders.

Barra assists clients with advice on design and construction flaws and delays, funding disputes, certification hearings and OSHA-related violations. His expertise in the complexities of public-private partnerships enables him to assist clients from financing through operation.

Barra is also a seasoned arbitrator and longstanding member of the American Arbitration Association's National Panel of Construction Neutrals. **MLW**

Achievements and professional activities

Adjunct professor of construction law, Wentworth Institute of Technology; member, Board of Directors, Design-Build Institute of America, New England Chapter; member, Board of Directors, Massachusetts Building Congress; member, Board of Directors, Associated General Contractors of America, Massachusetts Chapter; member, Board of Directors, Construction Management Association of America; former director and secretary, Massachusetts Society of Professional Engineers

SARA P. BRYANT

**Partner, Murtha Cullina
Boston**

With a client list ranging from regional businesses to Fortune 100 enterprises, Sara P. Bryant has built a thriving construction practice representing managers, subcontractors and owners in state and federal courts. From breach of contract or defective work allegations to mechanic's liens and Chapter 93A violations, she has represented clients in a wide variety of legal matters.

Bryant also has extensive experience in dispute resolution methods outside the courtroom, including mediation, arbitration and administrative proceedings. She is also involved in drafting and negotiating contracts and contract claims, as well as securing lien and bond rights. Outside her construction work, she has developed a business litigation practice in which she represents clients in landlord/tenant matters, product liability, insurance coverage and other matters.

Bryant represented a construction manager in a 40-day bench trial resulting in a successful counterclaim and Chap-



ter 93A damages, and defended a general contractor from the suit of terminated subcontractor, ending in a successful six-figure counterclaim.

She has spoken for numerous trade associations on current trends in construction law, including Prompt Pay legislation. She was a panelist on "Top Ten Return-to-Work FAQs" at the Associated General Contractors of Massachusetts and the presenter for an MCLE seminar "25 Critical Cases Every Construction Lawyer Must Know." **MLW**

Achievements and professional activities

Boston office managing partner, Murtha Cullina; former vice president, Massachusetts Building Congress; former co-chair and co-founder, MBC Women's Network; co-founder and former president, Boston Chapter of Professional Women in Construction; member, New England Women in Real Estate Programs and Seminars Committee; member, Associated General Contractors; member, Forum Committee on the Construction Industry, American Bar Association

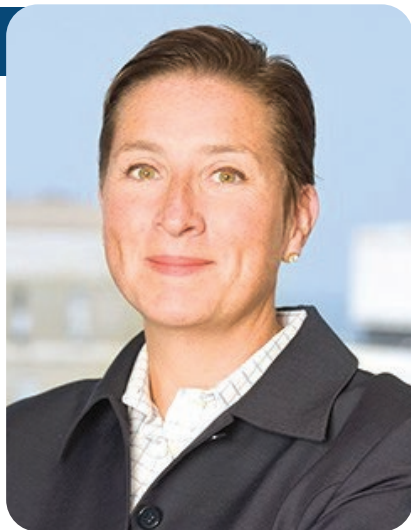
RHIAN CULL

**Director, Goulston & Storrs
Boston**

A veteran attorney with experience on three continents, Rhian Cull has built a reputation as one of the top construction lawyers in the world. A graduate of the universities of Cambridge and Essex, she has amassed three decades of experience in complex procurement in the international construction industry and advises major corporations, developers and construction firms at every stage of their projects in the hospitality, financial, energy, water and transportation sectors.

Throughout her career, Cull has worked on some of highest-profile issues in the field from the Hong Kong Airport to Boston's Big Dig. More recent representations include her work on complicated contracts for Pembroke Real Estate in the redevelopment of the Seaport World Trade Center, a transformative project in Boston's Seaport District and her involvement in Vicinity Energy's development of a reverse osmosis water treatment plant in Philadelphia.

Cull recently led and won a successful defense of one of the largest bid protest actions in New York City regarding the East Side Coastal Resiliency Project, a \$1.2 billion anti-flood initiative designed to remake East River Park in Lower Manhattan. She also conducted a risk assessment on construction and de-



sign documents for Cale Street Partners, a London-based real estate investment firm, in connection with its \$775 million construction loan for Winthrop Center.

Cull is equally adept at brokering deals as battling in court. Having started her career in London, she became skilled at both contracts and litigation through a career that took her to Hong Kong and Bangkok before coming to Massachusetts 20 years ago. Today, she is known for her ability to help high-profile clients creatively navigate the most difficult parts of complex industry-defining commercial and public-private real estate construction projects, while strategically managing their risk and helping to prepare for every potential "what-if" scenario to keep critical development projects on track. **MLW**

Achievements and professional activities

Member, British American Business Council of New England, Inc.; member, Design-Build Institute of America; member, Law Society of England and Wales; member, Law Society of Hong Kong



Congratulations to our colleague
Sara Bryant
on her recognition as a
Go To Construction Lawyer
by *Massachusetts Lawyers Weekly*

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THOMAS E. DAY

Partner, Egan, Flanagan & Cohen Springfield

Thomas E. Day worked as everything from a bartender at an English tavern to a staffer in the U.S. Senate States prior to joining Egan, Flanagan & Cohen in 2007. It's no surprise, then, that his current pursuits cover a wide and diverse legal territory. In addition to his construction litigation practice, Day's specialties include everything from medical malpractice and wrongful death to premises liability and civil rights defense.

Within the construction world, Day's work deals with contracting, mechanic's liens, surety claims and other matters where he represents owners, contractors, subcontractors and sureties in court and alternative dispute resolution venues.

Day, who made partner in 2012, has argued successfully in front of the Supreme Judicial Court on behalf of an appellant/claimant in a precedent-setting mechanic's lien case. He has also



served as a special assistant attorney general for the state since 2010, and drafted or co-drafted motions for summary judgement in *Brush v. Jiminy Peak Mt. Resort, Inc.* (2009), *Hernandez v. Ashe* (2009) and *Terbush v. Massachusetts* (2013).

Day is admitted to practice in the state and federal courts of Massachusetts and Connecticut, as well as the 1st U.S. Circuit Court of Appeals. **MLW**

Achievements and professional activities

Former researcher and reporter, State Tax Notes; former administrative director, United States Senate Steering Committee; former associate, Doherty, Wallace, Pillsbury & Murphy; former associate, Pepe & Hazard; member, board of directors, Pope Francis Preparatory School; member, board of directors, Hampden County Deputy Sheriffs Association; member, board of directors, Hampden County Community Impact Foundation; special assistant attorney general, Commonwealth of Massachusetts; honoree, Jon Krupnik Award for Excellence in Trial Advocacy, Notre Dame Law School; former chair, St. Thomas More Society, Diocese of Springfield

MICHAEL B. DONAHUE

Partner, Verrill Boston

Representing owners, developers, design professionals, construction managers and general contractors, Michael B. Donahue has a long and impressive resume serving clients in construction law.

Donahue has a wealth of experience negotiating and drafting agreements for development, design services and other contracts related to everything from infrastructure and industrial facilities to high-end resort properties. He has litigated for entities public and private in matters both transactional and adversarial, handling a diverse array of matters including contract performance, payment and bond claims, delay and disruption claims, claims against designers, and enforcement of mechanic's liens.

As a special assistant attorney general, he represented the Massachusetts Highway Department and the Division of Capital Asset Management in cases arising from defective design and construction work as well as public procurement issues. Having argued in front of supreme courts in three states, he is also a member of the American Arbitration Association's National Con-



struction Roster of Neutrals.

His cases bring him into contact with institutions ranging from transportation to education to healthcare. He has represented a prep school in a claim over architectural malpractice and negotiated agreements for the construction of a mixed-use office, manufacturing and incubator facility for an international pharmaceutical company. He also represented the developer of a major resort and casino in negotiating construction management agreements for a \$350 million project. **MLW**

Achievements and professional activities

Member, Forum on the Construction Industry, American Bar Association; former member, Public Law Council, Massachusetts Bar Association; member and former co-chair, Construction and Public Contracts Committee, Massachusetts Bar Association; charter fellow, Construction Lawyers Society of America; former special assistant attorney general, Commonwealth of Massachusetts; arbitrator of construction disputes, American Arbitration Association

MICHAEL J. FENCER

Partner, Casner & Edwards Boston

Michael J. Fencer has an exemplary track record dealing with the complex litigation that can arise from construction law. He often represents corporate and other business debtors and debtors-in-possession, creditors, committees, trustees, asset buyers and various other parties in bankruptcy proceedings, in districts from Massachusetts to Texas. He also represents property owners, construction managers, and general contractors and subcontractors in both state and federal venues.

Fencer's practice deals in commercial insolvency and reorganization, bankruptcy, commercial litigation and administrative law. He has handled matters including fraudulent and preferential transfers, director and officer liability, insurance coverage claims, construction defects, claims for lost productivity and extra-contractual compensation as well as the enforcement of liens and bonds. He has also represented licensed professionals and tradesmen in administrative enforcement and disciplinary proceedings.

Fencer represented a large energy supplier in state court litigation involving the prosecution of a multi-million back charge and indemnity claims and was lead counsel for the general partner of a lim-



ited partnership operating a low-income tax credit housing project in efforts to recover unpaid capital contributions. He initiated bankruptcy and state court litigation on behalf of a cabinet and millwork supplier to create, perfect and enforce its mechanic's lien and related bond payment claims resulting in a six-figure settlement recovery for the client. Representing the owner of a residential apartment building, he documented, investigated and successfully resolved construction defect and other contractual claims, with damages totaling in excess of \$2 million.

Fencer has also been a panel speaker on a variety of topics, including construction liens and structured dismissals. **MLW**

Achievements and professional activities

Member, American Bankruptcy Institute; member, Turnaround Management Association; former practice group leader, Bankruptcy and Restructuring Group, Jager Smith; former practice group leader, Litigation Group, Jager Smith; licensed master electrician and journeyman electrician; licensed private airline pilot; former member, board of editors, Boston Bar Association Bankruptcy Law Section Newsletter and Blog

GINA A. FONTE

Partner, Holland & Knight Boston

Blending a specialized knowledge of construction safety issues and OSHA regulations with a practical approach to problem-solving, Gina A. Fonte has distinguished herself as a litigation attorney at Holland & Knight.

Fonte concentrates her practice in construction litigation and transactions, energy and renewable energy, insurance, commercial litigation and OSHA workplace safety and whistleblower claims. She regularly advises clients within these industries, including regional and national general contractors and construction managers, engineering, procurement and construction contractors, project developers, owners, specialty contractors and engineers.

Her notable work in the OSHA space includes workplace safety and whistleblower matters, but the Boston University School of Law graduate also advises and represents clients in all industry sectors, such as nursing homes, rehabilitation and skilled nursing facilities, medical industry, hospitality, retailers, educational institutions, product and food manufacturers and distributors, property owners and managers, financial services, critical infrastructure, and other private and public-sector clients. Her duties includes compliance work in investigations and dispute resolution, as well as litigation.

Fonte's construction law practice includes



transactional representation, including advising, drafting and negotiating commercial construction contracts, master service agreements, architect and consulting and engineering agreements, letters of credit, promissory notes, leases, indemnity agreements, owner-representative consulting agreements, project closeout resolutions, multiparty escrow agreements, nondisclosure and confidentiality agreements, and material purchase orders.

She also performs due diligence of construction contracts and agreements in connection with funding and financing construction loans and projects, and represents construction industry clients in complex, multiparty mediations, arbitrations, litigation and settlements. Fonte frequently advises clients in assessing, preparing and defending claims. **MLW**

Achievements and professional activities

Fellow, Construction Lawyers Society of America; 2009, 2020, 2021 Pro Bono All-Star, Holland & Knight; certified, OSHA 10-Hour and 30-Hour Safety Program; director, Scholarship Committee; chair, National Association of Women in Construction



CONGRATULATIONS



Rhian Cull

2023 GO TO
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LAWYER

goulston&storrs

H. DAVID GOLD

Special Counsel, WilmerHale Boston

In his role as special counsel at WilmerHale, H. David Gold is widely recognized as a trusted advisor to the commercial real estate industry. Putting nearly two decades of experience in construction, real estate, environmental and energy law, he counsels clients on construction, architect and design-build agreements for projects large and small, including contracts for life science campuses and lab, manufacturing and research-and-development facilities, as well as hotel and office space development and renovations, senior housing projects, solar farms, and rooftop solar projects.

Prior to attending law school, Gold was an environmental consultant in Massachusetts, Arizona and California. Later, he served as a law clerk with the Environmental and Natural Resources Division of the U.S. Department of Justice.

Gold has counseled an electric power authority on operation of a natural gas pipeline in Puerto Rico and advised a global biopharmaceutical company on storage and disposal of medical waste. He's overseen a national oil and gas company's implementation of stream and wetlands restoration and mitigation ac-



tivities related to Clean Water Act compliance, as well as the transfer of permitting requirements and remediation obligations of an oil company's New England retail operations.

Gold's vast experience includes handling negotiations over contracts involving millions of dollars in office space renovations and relocations, and he has become a trusted resource for clients looking to handle a wide range of legal issues from the complexities of environmental, zoning and land use regulations to representations before regulatory agencies. **MLW**

Achievements and professional activities

Fellow, Construction Lawyers Society of America; guest lecturer, MIT Center for Real Estate Graduate Program; vice-chair, ABA Section of Environment, Energy and Resources Water Resources Committee; member, American Water Resources Association; former co-chair, Wetlands and Waterways Committee, Boston Bar Association; former president, Young Professionals in Energy-Boston; former board of directors member, Boston Natural Areas Network

WILLIAM M. HILL

Member, Mintz Boston

William M. Hill's practice encompasses all manner of construction and real estate disputes and transactions, as well as commercial and corporate litigation. He represents and counsels individuals, small businesses, financial institutions, nonprofits and publicly traded companies, and has a track record of delivering for clients on a wide variety of projects in an efficient and timely manner.

Hill is active as a leader in both the legal and general communities. As a past chair of the Boston Bar Association's construction law committee and of the ABA's Forum on Construction Law, he is a respected speaker and author who has led programs and publications for the ABA and BBA as well as other trade and industry organizations. Topics of his lectures and articles include techniques for direct and cross-examination of experts, electronic discovery, mediation and various construction law subjects. He has also authored op-ed pieces in the Boston Globe.

Since 2019, Hill has been the founder and chair of the board for Building for



Good, Inc., a national web-based platform linking non-profits and charities with skilled pro bono construction attorneys.

Hill represented DivcoWest in all matters pertaining to the drafting of construction documents for the 42-acre North-Point project in Cambridge; negotiated the contract for Greater Boston Food Bank's 115,000-square foot distribution facility; and represented General Electric in all phases of construction related to its Boston headquarters. **MLW**

Achievements and professional activities

Co-chair, Construction Practice Group, Mintz; fellow, American College of Construction Lawyers; former chair, American Bar Association Forum on Construction Law; member, American Arbitration Association panel of construction neutrals; former member, governing committee, ABA Forum on Construction Law; chair, marketing committee, ABA Forum on Construction Law; former chair, construction law committee, Boston Bar Association; member and former chairman, Appalachian Mountain Club; honoree, distinguished service award, Appalachian Mountain Club; founder and chair of the board, Building for Good, Inc.; fellow, American Bar Foundation

SARAH P. KELLY

Partner, Nutter Boston

Sarah P. Kelly has successfully handled disputes involving alleged design and workmanship defects, cost overruns, deceptive trade practices, hazardous conditions, insurance-related issues and project delays, representing a broad spectrum of clients including real estate developers, manufacturing companies, retail and hospitality businesses and large condominium associations.

Representative cases include the successful resolution of a dispute between a real estate developer and its architect and general contractor in a situation where a mixed-use project with significant defects was running behind schedule; a condo association in multi-million dollar litigation amid various construction project failures; and a global manufacturer of packaging and specialty paper solutions in arbitration concerning cost overruns.

She also practices outside the construction field in product liability, white collar defense and securities enforcement litigation. She has been a part of a team of attorneys at the firm that represented a state university in an internal investigation and a parallel probe by the Massachusetts Office of the Inspector General. The matter involved witness interviews, significant document analysis and complex legal research centering on health care law and state government procurement regulations.



Kelly represented an executive of a local technology and market research company and a number of high-level executives in connection with the company's practice of dating options. Formal charges were never brought by the Securities and Exchange Commission.

Kelly's expertise in construction matters has been instrumental in resolving complex legal disputes that can arise when large-scale projects go awry. She is a responsive and diligent advisor who grasps the issues quickly and provides solid guidance and out-of-the-box strategies. She is frequently quoted in media regarding high-profile government investigations, including in WGBH, the New York Times and Massachusetts Lawyers Weekly.

Kelly is admitted to practice in local and federal courts in Massachusetts and in the 1st U.S. Court of Appeals. **MLW**

Achievements and professional activities

Honoree, Top Women of Law, Massachusetts Lawyers Weekly; former chair, litigation department, Nutter; member, board of directors, Volunteer Lawyers Project

JOEL LEWIN

Partner, Hinkley Allen Boston

As co-chair of the Construction and Public Contracts Group at Hinkley Allen, Joel Lewin has represented some of the largest contractors in the United States and counselled contractors from around the world, including those from France, Germany, Canada, Australia, Spain, Denmark, China and Italy.

Lewin's diverse workload includes counseling clients on major public infrastructure including tunnels, bridges, highways and wastewater treatment plants. In addition, he focuses on building projects including offices, shopping centers, power plants, hospitals, schools and airports. His practice has included representing contractors that rank among the top 20 in the nation, and he has participated in the trials of various large and complex construction disputes, both in the courtroom and in arbitration.

His notable achievements include obtaining the largest arbitration award on a construction project against a public authority in New England history, a \$183 million recovery for Perini Kiewit Cashman relating to the Big Dig. Lewin also represented the general contractor on the largest private contract in Massachusetts history, the \$1.5



billion Encore Casino, and successfully defended the general contractor against more than \$30 million of subcontractor claims.

Lewin also managed a \$20 million recovery for a general contractor in the massive renovation of the Suffolk County Courthouse and represented a joint venture against the Massachusetts Highway Department in connection with various claims of disruption, delays and defects related to the \$226-million Ted Williams Tunnel project.

Lewin has served on the American Bar Association's Forum Committee on the Construction Industry and has been on Hinkley Allen's Executive Committee since 2000. **MLW**

Achievements and professional activities

Co-chair, Construction and Public Contracts Group, Hinkley Allen; member, Executive Committee, Hinkley Allen; former law clerk to the Chief Justice, Appeals Court; fellow, American College of Construction Lawyers; former member, Board of Directors, Associated General Contractors of Massachusetts; former co-chair, Construction Law Committee, Boston Bar Association; former member, Board of Directors, Construction Industries of Massachusetts; client service all-star, BTI Consulting Group, Inc.

KIRK J. MCCORMICK

Shareholder, Ruberto, Israel & Weiner Boston

Kirk J. McCormick chairs the Construction Law Group at Ruberto, Israel & Weiner. He represents general contractors, subcontractors, sureties, owners, architects and engineers nationwide on construction projects both public and private.

McCormick has extensive experience with bond claims, subrogation matters, construction defect allegations, CGL and professional liability insurance issues, mechanic's liens and the administration and termination of contracts. His practice covers preparing, submitting and defending on various claims and he has a solid track record of dealing with federal, state and local government contracts including bid protests, default terminations, False Claims Act defenses and procurement and contract administration under the Federal Acquisition Regulation system as well as state and local procurement laws.

A graduate of Georgetown University, McCormick has handled a number of notable cases. He represented a general contractor in a seven-day arbitration hearing against a subcontractor concerning the Dulles Air Traffic Control Tower project in Virginia. In California,



he plead the case of a contractor pursuing site condition claims against the U.S. Army Corps of Engineers related to a project at Vandenberg Air Force Base. He also represented a general contractor in a Big Dig-related lawsuit against an elevator subcontractor, involving several million dollars in liquidated damages that had been assessed against the contractor by the project owner.

McCormick also handled a dispute over a default termination on a U.S. Navy project in Maryland and the negotiation of a favorable settlement in a case involving over 100 change orders on a General Services Administration build-out in Pennsylvania. **MLW**

Achievements and professional activities

Chair, Construction Law Group, Ruberto, Israel & Weiner; member, Town of Reading Permanent Building Committee; member, Associated General Contractors of America

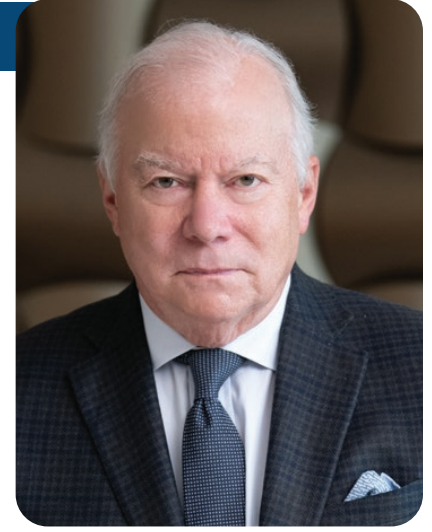
PETER B. MCGLYNN

Partner, Bernkopf Goodman Boston

Described by colleagues as a lawyer's version of St. Jude — the patron saint of lost causes — Peter B. McGlynn isn't afraid to take on the difficult cases. Having tried more than 150 matters in over 20 states, the Suffolk University graduate has established a strong practice in construction and surety, as well as bankruptcy and creditor's rights.

His resume includes two trials in the Delaware Chancery Court concerning a failed \$3 billion real estate development project, representation of clients in connection with commercial, industrial and multi-family construction projects along the Eastern Seaboard valued at over \$2.5 billion and the defense of a company's principal being sued by one of the largest general contractors in the U.S. for RICO violations. Most recently, he worked on the high-profile matters of Exchange St. Hotel LLC v. Tocci Building Corporation and Tocci Building Corporation v. Merit Mechanical Corporation, et al., in a dispute concerning the construction of a \$25 million Hilton Hotel in Rhode Island. He also represented the client in relation to six actions brought by subcontractors under the state's mechanic's lien law.

During the COVID-19 pandemic, Mc-



Glynn, who is also trained as a mediator, served as legal advisor to real estate developers, construction users, restaurants and retail establishments on the impact of restrictions and moratoria and potential bases for recovery of damages.

A highly sought-after speaker, McGlynn has made presentations on litigation, real estate development, construction, bankruptcy and surety law to a wide variety of organizations, including the National Society of Professional Engineers. He has lectured on construction law and litigation at Northeastern University, Wentworth Institute of Technology and the University of Wisconsin. **MLW**

Achievements and professional activities

Chair, Trial Department, Bernkopf Goodman; fellow, Construction Lawyers Society of America; member, planning committee, Tina's Wish, Boston Gathering; former member, Town of Dover Conservation Commission; former member, board of trustees, St. Thomas More School; founder, New England Construction & Real Estate Conference

CONGRATULATIONS,

PETER B. MCGLYNN

Bernkopf

Bernkopf's attorneys and staff are exceptionally pleased to join Massachusetts Lawyers Weekly in recognizing Peter B. McGlynn as a Go To Lawyer.



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JAMES B. PELOQUIN

Partner, Conn Kavanaugh Boston

With 38 years of experience in trial law, James B. Peloquin has risen to chair both the trial department and construction and mediation/arbitration groups at Conn Kavanaugh. He has tried over 40 cases to verdict with a 95-percent win rate.

While a large portion of his work is in the construction arena, he also handles business disputes, as well as all manner of tort or professional liability matters. Peloquin represented the general contractor in one of the most catastrophic construction site accidents in Boston this century, when an 11,000-pound motorized scaffold fell 14 stories and killed three people. Significant settlements followed, but Peloquin's client made only a de minimis contribution due to his successful assertion of claims for contractual indemnification against other defendants in the case.

Peloquin also handled the case of a Boston-area electrical contractor during the rupture of a shotcrete hose in the construction of an underground sewage tunnel. Amid allegations that rescue operations were hampered by



problems with his client's telecommunication systems, the Boston College Law School graduate obtained a defense verdict following a three-week jury trial and two hours of deliberations.

Other matters have seen the veteran attorney earn a defense verdict for the manufacturer of a miter saw and a summary judgement for an international engineering firm. He has also done work as a mediator in countless construction disputes with values ranging from tens of thousands to tens of millions of dollars. **MLW**

Achievements and professional activities

Former co-chair, Civil Litigation Section of the Boston Bar Association; member, International Association of Defense Counsel; charter fellow, Construction Lawyers Society of America; member, Trial Law Institute and Diversity Law Institute of Construction Lawyers Society of America; Order of Equitas, Construction Lawyers Society of America; partner Conn Kavanaugh Rosenthal Peisch & Ford; chair of the trial department and construction and mediation/arbitration groups at Conn Kavanaugh Rosenthal Peisch & Ford

CHRISTOPHER J. PETRINI

Founder, Petrini & Associates Framingham

Having successfully handled dozens of high-stakes matters in municipal law litigation and public construction, Christopher J. Petrini is widely regarded as a premier attorney in the field.

An honors graduate of Duke University School of Law, Petrini was a staff editor at Law and Contemporary Problems. Later, he'd serve as a clerk for Judge Theodore M. McMillian of the 8th U.S. Court of Appeals in St. Louis, where he researched and wrote draft decisions on questions of federal law, several of which received national attention.

Petrini is routinely retained by towns to serve as special counsel in handling complex construction litigation. Having practiced at Hinckley, Allen & Snyder and Conn Kavanaugh before founding his own firm in 2004, he has litigated such cases for dozens of municipalities, from Barnstable and Falmouth to Leicester and Springfield.

Petrini obtained a \$14.6 million verdict in a construction/infrastructure case on behalf of the Town of Holden against the City of Worcester and the state's Department of



Conservation and Recreation, in an eight-day jury tried matter that displayed his expertise and extensive background in the world of municipal sewer agreements and sewer transport charges.

He also organized the annual conference on Public Construction Law Updates through the Massachusetts Municipal Lawyers Association. The conference is a signature opportunity for public and private counsel involved in construction matters to share insights, including the latest case law and regulatory developments. **MLW**

Achievements and professional activities

Former president, Massachusetts Municipal Lawyers Association; special counsel, Town of Holden; co-chair, Massachusetts Bar Association Construction Litigation Committee, Civil Litigation Section Council; former town counsel, Town of Framingham; city solicitor, Town of Framingham; town counsel, Town of Sherborn; Robert W. Ritchie Special Achievement Award; President's Award for excellence in municipal law and service to the furtherance of local government; regional vice-president, International Municipal Lawyers Association; IMLA Amicus Service Award; founder and chair, Massachusetts Municipal Lawyers Association Annual Public Construction and Infrastructure Update Conference

People
are Talking
about
**Jim
Peloquin.**



“Jim is an efficient and highly skilled litigator who knows the ins and outs of construction law and the practicalities of litigation. His advice is spot on, and he achieves excellent results.”

- In-house counsel for a major engineering firm

“I have had the good fortune to work with Jim on a number of matters over the years. Jim is not only a great lawyer, but he is a terrific problem solver. His intellect and common sense allow him to cut to the heart of the matter and find the best and most efficient solution. His clients are in very good hands.”

- Thomas E. Kenney, Fellow Attorney

“Not only does Jim richly deserve this recognition, he is a good person. I am proud to call him my friend and partner.”

- Kurt Fliegau, partner

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James B. Peloquin
Go-To Construction Lawyer

ADAM C. PONTE

Shareholder, Fletcher Tilton Boston

Adam C. Ponte routinely represents developers and contractors in complex residential and commercial construction projects, from preparation and negotiation to project execution. He deals with matters ranging from formal demand correspondence to litigation in both federal and state courts.

A graduate of College of the Holy Cross, Ponte earned his law degree from Boston University after having previously worked as a business technology consultant with Accenture LLP, Comcast Corporation and NBCUniversal. He later interned with the Middlesex District Attorney's Office Cyber Protection Unit and served as a summer associate at Collora, as well as a law clerk with The Kraft Group.

Ponte is chair of the Litigation Department at Fletcher Tilton as well as a member of the firm's Management Committee. His practice is focused on complex civil litigation, where he represents businesses and individuals in business matters, construction disputes, risk management, real estate issues, and employment cases. He also handles trust and estate litigation and has represented trustees and beneficiaries before various probate and family courts.

In his work for construction and restaurant



clients, he has counseled those he represents on numerous construction contracts, including those provided by the American Institute of Architects, Design-Build Institute of America and ConsensusDocs. Ponte also handles licensing, zoning and permit matters, including applications before the Alcoholic Beverages Control Commission.

Ponte successfully prosecuted claims at trial on behalf of a developer against a major New England commercial general contractor for breach of contract and misrepresentation. He has also negotiated and represented through completion multiple commercial construction projects with guaranteed maximum prices exceeding \$50 million. **MLW**

Achievements and professional activities

Litigation Department chair and Management Committee member, Fletcher Tilton; former board member, Massachusetts Bar Association, Young Lawyers Division; member, AALAM; member, Holy Cross Lawyers Association; former member, Massachusetts Judicial Nominating Commission

LEAH A. ROCHWARG

Partner, Bowditch & Dewey Boston

Clients have come to rely on Leah A. Rochwarg, leader of the transactional and dispute resolution practice at Bowditch & Dewey, for her creativity, collaborative nature, and ability to identify and develop their goals.

A former instructor at the National Institute for Trial Advocacy and partner at a global law firm, Rochwarg works with developers, investors and corporate real estate departments, as well as business, legal and risk management teams to advance client interests. She counsels at all stages of a project, from requests for proposals through negotiation of contract documents to guidance on dispute avoidance.

As project counsel, Rochwarg has worked on industrial and mixed use developments, multifamily housing, hospitality and manufacturing facilities and schools. From the first feasibility study to the final close-out phase, she handles contract disputes, design and construction services, and procurement and bid protests. She has dealt with claims for delay or disruption, defective design, payment, performance and insurance issues.



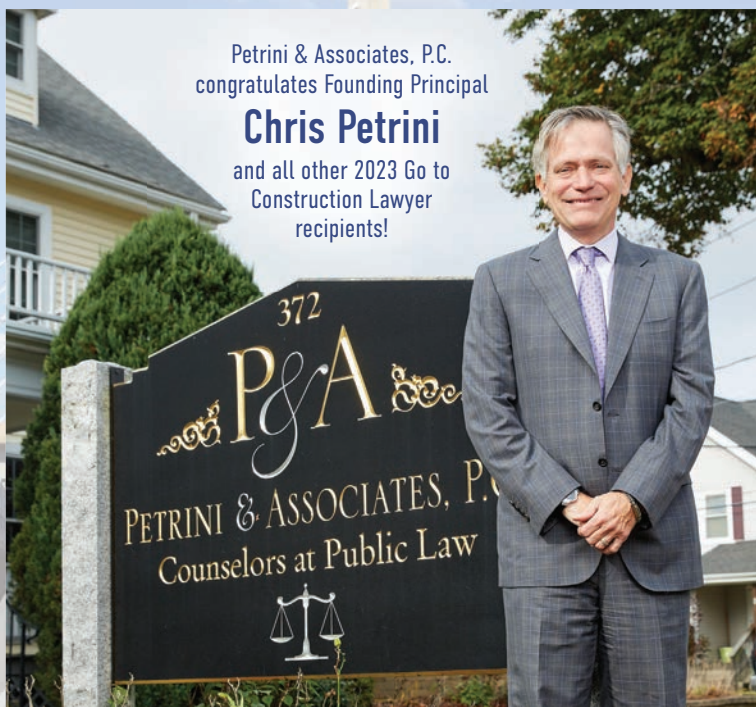
Rochwarg is also a sought-after speaker who has given numerous presentations for multiple legal organizations, including "Introducing EJCDCs New CM as Advisor Contract Document Series" for the American Bar Association, "Introduction to Construction Litigation" for the Real Estate Bar Association for Massachusetts, and "Understanding Massachusetts Prompt Pay Act" for the Boston Bar Association.

A LEED-accredited professional, Rochwarg is co-editor and contributing author of the Wolters Kluwer Construction Law Handbook. **MLW**

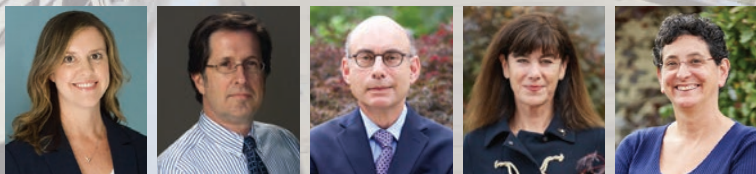
Achievements and professional activities

Charter fellow, Construction Lawyers Society of America; member, Associated General Contractors of Massachusetts; co-chair, Construction Law Committee, Boston Bar Association; member, Forum on Construction Law, American Bar Association; senior editor and editorial board member, Journal of Legal Affairs and Dispute Resolution in Engineering and Construction; former member, Energy and Environmental Task Force, Massachusetts Bar Association; board member, National Association of Women in Construction; co-chair, Real Estate Section, Boston Bar Association

P&A PETRINI & ASSOCIATES, P.C.
Counselors at Public Law



Petrini & Associates, P.C. congratulates Founding Principal **Chris Petrini** and all other 2023 Go to Construction Lawyer recipients!



RUDOLPH FRIEDMANN LLP

Congratulates our Managing Partner and friend,

JIM RUDOLPH

on his selection by Lawyers Weekly as a Massachusetts Go-To Construction Lawyer



Jim is a business lawyer who has expertise in construction, real estate, corporate and employment law. For over 40 years he has provided advice and counsel to contractors, subcontractors, suppliers, engineers and architects for a broad range of legal matters.



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JAMES L. RUDOLPH

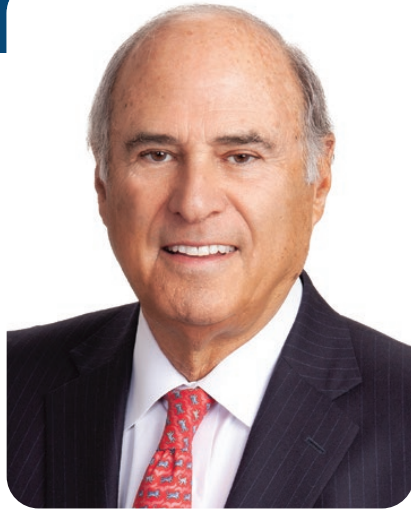
Founder, Rudolph Friedmann Boston

With more than 40 years of experience in business, construction, real estate and employment law, James L. Rudolph has established himself as a pillar in the arena and a valued source of practical legal and business advice.

Rudolph's work with construction-related enterprises includes general contractors, subcontractors, material suppliers, architects and engineers. He served two terms as president of Associated Builders and Contractors and has been ABC's general counsel for over 20 years.

Rudolph specializes in handling business transactions, including asset and stock purchase agreements, buy/sell agreements, severance, noncompete and non-solicitation agreements. He is also an active real estate attorney and investor who has served as a corporator, trustee and director of several Boston-area banks, bringing him experience in everything from lender liability claims to creditor and debtor rights matters.

Rudolph has represented hotels, restaur-



rants, auto dealerships and retail outlets, among others. His work with condo and homeowners associations includes drafting bylaws, preparing master deeds and trusts, and counseling on special assessments and capital projects. Rudolph has also settled disputes for condo owners pertaining to fees, dues and rent, as well as dealing with warranty claims and providing advice on disputes arising with associations and neighbors. **MLW**

Achievements and professional activities

Member and former chairman, Associated Builders and Contractors; fellow, Construction Lawyers Society of America; member, Trial Law Institute and Diversity Law Institute; board member, Massachusetts Restaurant Association; 2021 Go To Business Lawyer, Massachusetts Lawyers Weekly; member and former chairman, Swampscott Zoning Board of Appeal; member, Marblehead Zoning Board of Appeal; 2021 Distinguished Leadership Award, North Shore Chamber of Commerce; 2016 Non Sibi Sed Aliis Award for Community Service, The Governors Academy; 2009 Bennett I. Solomon Community Leadership Award, Cohen Hillel Academy; JRC Recognition Award, Jewish Rehabilitation Center for Aged of the North Shore; 1999 David Ben-Gurion Leadership Award, State of Israel; 1996 Community Leadership Award and 1990 Chairman's Award, Anti-Defamation League; advisory board member, Massachusetts Commission Against Discrimination; former selectman, Town of Swampscott; former president, Camp Kingswood

MICHAEL P. SAMS

Co-founder, Kenney & Sams Boston

A veteran litigator, advocate and business advisor serving companies throughout New England, Michael P. Sams is a renowned trial lawyer and risk manager in the construction law arena. He has represented numerous parties in the industry including contractors, owners, architects, engineers, subcontractors, suppliers and manufacturers.

Sams deals with both public and private projects, handling everything from contract drafting and negotiation to payment claims to change order and delay disputes. His work also covers insurance coverage issues, bond matters, defect litigation and mechanic's liens. He also conducts general business litigation such as landlord-tenant disputes, employment issues and personal injury matters.

Sams has published articles on a wide range of issues including independent contractors and the perils of misclassification, reservation of rights letters and how to get tenants out of a strict 25-year commercial



lease. He also has extensive experience appearing before ADR services and state and federal agencies.

His representative matters list includes Barr Inc. v. Town of Holliston (2012), Fordyce v. Town of Hanover (2010), National Lumber Company v. Blackwood Development Corp. (2014) and Aquacultural Research Corp. v. Old King's Highway Reg'l Historic Comm'n (2014). **MLW**

Achievements and professional activities

Member, board of directors, Steel Fabricators of New England; president, Massachusetts Continuing Legal Education; member, ConsensusDocs Master Subcontract Agreement Drafting Committee; former president, Massachusetts Defense Lawyers Association; member, membership committee, Massachusetts Building Congress; former chair, construction law committee, Defense Research Institute; former co-chair, construction law, education and public service committees, Boston Bar Association; former general counsel, Gould Construction Institute; former president, Boston Inn of Courts; former member, executive committee, Eastern Massachusetts Chapter of the National Association of the Remodeling Industry; former member, board of directors, Construction Financial Managers Association; former president, Northeastern University School of Law Alumni Association; co-chair, Massachusetts Alumni Chapter, University of Rhode Island; fellow, Construction Lawyers Society of America

DAVID TRAVERS

Partner, Strang Scott Giroux Boston

A partner at Strang Scott Giroux since 2021, David Travers has built his career in construction law and commercial dispute resolution. Since 2006, his practice has focused almost exclusively on construction and development, allowing him to address both the project-facing and business issues that companies encounter in the course of establishing their projects.

Travers' representations tend to focus on risk-avoidance through an intricate and complex contracting process, as well as compliance and claim resolution work. When planning and negotiation are not enough, he represents clients through additional phases and forms of dispute resolution, including bid protests, mediations, arbitrations and trials.

Travers has represented parties at all tiers of the construction industry, developing broad experience in a field that involves material suppliers, subcontractors, general contractors, construction managers, developers and owners. He's also dealt with clients outside of the industry, including a diverse array of entities such as distributors, manufacturers, restaurant owners, condominium associations, commercial landlords, tenants and a variety of business owners.



He emphasizes the importance of "right-sizing" the litigation process to meet a client's strategic goals.

A graduate of the University of Wisconsin, Madison, Travers earned his law degree from Suffolk University Law School.

Travers' publications include "Broken Promises: Prosecuting Claims Against Architects Arising from Promises to Pay for Additional Work" and "Claims for Lost Profits Given New Life in Termination Context," both of which appeared in the Construction Industry of Massachusetts Construction Journal. He also wrote "You Have to Fight for Your Right to Work: The U.S. - Chile Free Trade Agreement and Global Labor Standards" for the Suffolk Transnational Law Review. **MLW**

Achievements and professional activities

Recipient, 2014 "Excellence in the Law" Award, Massachusetts Lawyers Weekly

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WENDY K. VENOIT

Member, Cozen O'Connor Boston

Over more than a quarter-century, Wendy K. Venoit has built a nearly unparalleled reputation on “mega project” disputes with more than \$1 billion in controversy. Often engaged in the earliest stages of complex, multi-year projects in renewable energy, oil and gas, power, infrastructure and transportation, she advises on bidding and contract negotiation, construction execution and claims resolution, while also serving as lead trial counsel for later litigation or arbitration.

Venoit was the youngest ever inductee to the American College of Construction Lawyers. Her recent victories include a \$248 million ICDR arbitration decision on behalf of Iberdrola Energy Projects, Inc. proving that a contract was wrongfully terminated.

She is ongoing project counsel to a joint venture leading construction of the \$1.3 billion Green Line Extension Project with construction completion set for this year and she is acting project counsel on the first commercial-scale offshore wind project to be built in the United States.

In addition to dozens of other meetings,



events and webinars, Venoit gave formal presentations at industry-wide conferences in 2022, including two panels of the 36th Annual Construction Super Conference and the ABA Forum on Construction Law Midwinter Meeting in Puerto Rico.

She is the executive editor of “International Construction Law”, a guide for cross-border transactions and legal disputes, and is currently editing a new design build and contracting handbook for the ABA. **MLW**

Achievements and professional activities

Inductee and 2023 meeting program chair, American College of Construction Lawyers; chair, American Bar Association Forum on Construction Law; arbitrator, AAA National Panel of Construction Arbitrators; 2021 Lawyer of the Year, Massachusetts Lawyers Weekly; former partner, Hinckley Allen; former vice president, general counsel and corporate secretary, Suffolk Construction Company, Inc.; founder, Connecticut Chapter, Professional Women in Construction; board member, Women in Construction; adjunct professor, Wentworth Institute of Technology; member, National Board Development Committee, Girl Scouts of America; co-chair, Boston Chapter of Chartered Institute of Arbitrators; North American branch board member, Chartered Institute of Arbitrators

DAVID E. WILSON

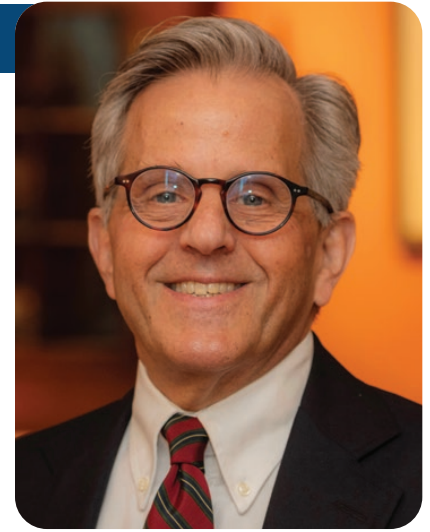
Partner, Corwin & Corwin Woburn

David E. Wilson has practiced exclusively in the field of construction law for nearly four decades, representing hundreds of subcontractors and suppliers, general contractors, construction managers, sureties, designers and owners on a wide range of both public and private projects.

His cases have involved the building of schools, fire and police stations, courthouses, tunnels, roads and bridges, and hospitals and medical buildings. From office facilities and retail centers to restaurants and nightclubs, he’s assisted clients with preparation, review and negotiation of thousands of construction documents, covering everything from lien waivers to joint venture agreements.

Wilson has also played a significant role in drafting some of the most consequential legislation governing construction law in the state, including the Mechanic’s Lien Law, the Prompt Pay Act and the Retainage Act. His published works include material addressing that important legislation.

Wilson has lectured and participated in nu-



merous classes and seminars on construction law and has an extensive list of pro bono projects to his credit, including the preparation of contracts for post-earthquake construction in Haiti and negotiations with the government of Rwanda for the direct purchase of medical supplies for a U.S.-based project to develop cardiac surgery in the country.

Wilson’s charitable activities include his presidency at Team Heart Inc. and his directorship of The Circuit Theatre Company, as well as his annual participation in the Pan Mass Challenge. **MLW**

Achievements and professional activities

Certified mediator, Real Estate Bar Association Panel of Neutrals; general co-counsel, Associated Subcontractors of Massachusetts; founder and former co-chair, Boston Bar Association Committee on Construction Law; former co-chair, Boston Bar Association Real Estate Section; former co-chair, Boston Bar Association Education Committee

Congratulations to our colleague Kirk McCormick on his selection as a Massachusetts Lawyers Weekly Go To Construction Lawyer 2023

Kirk represents owners, general contractors, subcontractors, sureties, architects, and engineers throughout the United States on public and private construction projects. He assists clients with contract drafting and negotiation, payment and performance bond claims, construction defect claims, mechanic’s liens, insurance coverage issues, and contract administration and termination. Kirk also helps clients navigate the complexities of federal, state, and local government contracts, including claims and contract administration under the Federal Acquisition Regulation (FAR) system and state and local procurement laws.



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 T: 617.742.4200 | F: 617.742.2355
www.riw.com



Congratulations

Adam Ponte, on your recognition as "Go To Construction Lawyer"!

In his construction practice, Mr. Ponte negotiates both commercial and residential construction agreements and litigates on behalf of developers, owners, and contractors. He counsels clients on numerous construction contracts, including those provided by the American Institute of Architects (AIA), Design-Build Institute of America (DBIA) and ConsensusDocs. Mr. Ponte also handles licensing, zoning, and permit matters, including applications before the Massachusetts Alcoholic Beverages Control Commission.



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