

ATTORNEY BIOGRAPHY



David L. Fine

Partner

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Legal Administrative Assistant

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Practice Group(s) and Specialty Area(s)

Litigation

Business and General Litigation

Life, Health, Disability and ERISA Litigation

Construction Law and Litigation

Dave focuses his practice on business litigation, with an emphasis on the construction industry. He is the chair of the firm's construction law group. He serves a variety of clients, including commercial, institutional, and residential owners, general contractors, specialty subcontractors, and vendors, in the full array of issues that arise in the business of construction. His construction law practice involves representing clients in adverse proceedings, such as litigation and arbitration, consulting regarding risk management, contract preparation and negotiation, and providing general business advice.

Dave works closely with a number of local and regional trade organizations, and he often lectures and writes about topics pertinent to the construction industry, including project delivery methods, project due diligence and financing, contracts, joint ventures, indemnity and warranty concerns, insurance coverage disputes, public procurement, bid protests, green building and LEED certification, surety bond claims, mechanics' liens, the Massachusetts Home Improvement Contractors Act, and construction industry dispute resolution methods and procedures. He serves on the board of directors of the Home Builders and Remodelers Association of Central Massachusetts, and he lectures regularly for the George W. Gould Construction Institute, the training affiliate of the Associated Builders and Contractors of Massachusetts. Dave is also an active member of the American Bar Association Forum on the Construction Industry.

In addition to his construction practice, Dave represents insurance companies and employers in life, health, disability and ERISA litigation in the state and federal courts. He is a vice-chair of the American Bar Association's TIPS Health and Disability Law Committee.

Dave was named a Massachusetts "Rising Star" by *Boston* magazine and *Law & Politics* in 2013 and 2014.

Representative Matters

- Negotiated a successful resolution on behalf of a general contractor in a dispute with a hospital, architect, and multiple subcontractors over delay and changed conditions in a multi-phased renovation and new construction hospital project
- Prosecuted mechanics lien action on behalf of site contractor who was owed contract balance and change order amounts on a private project in which the general contractor filed for bankruptcy protection
- Successfully represented former owners of sand and gravel and concrete ready mix businesses in a dispute with the subsequent purchaser related to the receivable and warranty obligations contained in the sale documents

Education

JD, *cum laude*, Suffolk University Law School
(2005) Suffolk University Law Review, member

BA, University of Vermont (1999)

Bar and Court Admissions

Massachusetts

Rhode Island

U.S. District Court for Massachusetts

U.S. District Court for Rhode Island

U.S. District Court for Connecticut

U.S. Court of Appeals for the First Circuit

U.S. Court of Appeals for the Federal Circuit

Professional/Community Affiliations

American Bar Association, Forum on Construction Law

Associated Builders and Contractors

Home Builders and Remodelers Association

Defense Research Institute, Life, Health, Disability and ERISA Committee

Massachusetts Bar Association, Construction Law Committee

Rhode Island Bar Association

Worcester County Bar Association

Town of Hopkinton, Capital Investments Committee

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Representative Matters (continued)

- Obtained judgment in favor of a residential homeowner in a private arbitration proceeding against a roofing and restoration contractor for defective roofing and siding installation
- Represented a general contractor on a Rhode Island public works project concerning renovation and build out of a college dormitory in a dispute with the owner and multiple subcontractors over payment and scope of work requirements
- Obtained an arbitration award in favor of a site contractor and against a municipality for changed conditions and delay claims stemming from construction of public recreational fields facilities
- Represented regional steel contractor against claims that it breached a requirements lease agreement regarding crane rentals and other equipment
- Successfully defended a general contractor in a bid protest against allegations of impropriety in the pre-qualification process
- Represented a regional roofing company in a claim against a former employee regarding breach of fiduciary duty and appropriation of trade secrets in operating a competing side business
- Successfully represented multiple supply companies including, among others, plumbing and mechanical, electrical, and concrete, in collection actions against contractor
- Represented the interests of the pension, annuity, health, and apprenticeship trust funds of a local trade union
- Represented a contractor defending a claim by the department of labor of failure to pay prevailing wages on a public works project

Publications/Presentations

- “Legal Issues for Contractors,” Gould Construction Institute, Associated Builders and Contractors, Inc., March 2016, September 2015, April 2015, November 2014, March 2014 (presenter)
- “Contracts and Risk Management,” New England Alarm and Controls Council Northeast Security Systems Contractors Expo, May 2015 (presenter)
- “Construction Law Risk Management,” Home Builders and Remodelers of Central Massachusetts, January 2015 (presenter)
- “Subcontractors Teaming Agreements; What Should You be Worried About?,” American Bar Association Forum on Construction Law, January 2015 (panelist)
- “Protecting the Owner of the Project: Insurance and Bonding Issues in Construction,” HalfMoon Education, Inc., August 2014 (presenter)
- “Construction Subcontracting, A Comprehensive, Practical and Legal Guide,” American Bar Association Publishing, April 2014 (author)
- “Lunch and Learn: Legal Update,” Associated Builders and Contractors, Inc., Massachusetts Chapter, March 2014 (presenter)
- “It’s Miller (Act) Time,” American Bar Association Forum on the Construction Industry, January 2013 (panelist)
- “Construction Risk Management,” Gould Construction Institute, Association Builders and Contractors, Inc., December 2012 (presenter)
- “Go Green or Go Home,” Home Builders and Remodelers Association, Central Massachusetts Chapter, Fall 2012 Newsletter (author)
- “A Primer on Contract Formation and Terms,” Home Builders and Remodelers Association, Central Massachusetts Chapter, Summer 2012 Newsletter (author)
- “Court Defines Reach of Mechanics Lien Law in Leasehold Context,” Associated Builders and Contractors, Inc., February 2012 (author)
- “Notice of Possible Mechanic’s Lien: An Easy Way to Forfeit Lien Rights,” Internal Newsletter, March 2011 (author)
- “Bonding and Insurance for Emerging Contractors, Claims and Dispute Resolution,” R.I. contractor Development Program , 2009, 2010 (presenter)
- “Getting Paid in Difficult Times,” In-House Client Seminar, 2010 (presenter)
- “Termination From Collective Bargaining Agreements,” Internal Newsletter, Spring/Summer 2009 (author)
- “Employer Consent Regarding Use of Company Vehicle,” Internal Newsletter, Spring/Summer 2008 (author)