

ATTORNEY BIOGRAPHY



David L. Fine

Partner

Tel: 508.768.0735 | **Fax:** 508.983.6247 | **Email:** dfine@mirickoconnell.com

Westborough Office:

1800 West Park Drive | Suite 400 | Westborough | MA | 01581-3926

Legal Administrative Assistant

Karen J. Guenette

Tel: 508.860.1441 | Email: kguenette@mirickoconnell.com

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 Third Circuit

U.S. Court of Appeals for the Federal Circuit

Professional/Community Affiliations

American Bar Association, Forum on Construction Law; Division Steering Committee member; Special Programming and Education Committee member; Distance Learning (Webinar) Committee member

Associated Builders and Contractors

Home Builders and Remodelers Association, president

Massachusetts Bar Association, Steering Committee, Development and Construction Law Committee

Rhode Island Bar Association

Worcester County Bar Association

Town of Hopkinton Youth Soccer, board member

Practice Group(s) and Specialty Area(s)

Litigation

Business and General Litigation

Construction Law and Litigation

David represents and counsels clients in the construction industry, including commercial, institutional and residential owners and developers, general contractors, construction managers, specialty subcontractors, suppliers and manufacturers. He represents clients in adverse proceedings such as litigation and arbitration, consulting regarding risk management, contract preparation and negotiation, and providing business advice. He is chair of the firm's Construction Law Group, a diverse group comprised of attorneys specializing in construction litigation, corporate and real estate law, and labor and employment law.

David works closely with several national, regional and local trade organizations, and he often lectures and writes about topics pertinent to the construction industry, such as project delivery, due diligence and financing, contracts, teaming, indemnity and warranty concerns, insurance coverage, public procurement, bid protests, green building and solar, surety bond claims, mechanics' liens, and construction industry dispute resolution methods and procedures. He is the President of the Home Builders and Remodelers Association of Central Massachusetts, and he lectures regularly on construction risk management issues on behalf of several trade and bar organizations. David is an active member of the American Bar Association Forum on Construction Law, where he serves as a member of the Steering Committee for the Forum's Subcontractors and Suppliers Division and as a liaison to the Special Programs & Education Committee.

David was named a Massachusetts "Super Lawyer" by *Boston* magazine and *Law & Politics* every year since 2017. In 2013, 2014 and 2015, David was named a Massachusetts "Rising Star" by *Boston* magazine and *Law & Politics*.

Representative Matters

- Successfully defended a leading national supplier of aggregates, asphalt, ready-mix concrete and construction and paving services against payment claims by an electrical contractor through trial in Rhode Island Superior Court
- Negotiated and drafted hundreds of construction agreements for a variety of clients, ranging from standard form ("AIA") documents prepared on behalf of several institutional clients, including for example local and regional colleges and universities, cities and towns, and national banking institutions, to HIC-compliant builder/remodeler agreements
- Successfully defended a plastic molding manufacturer in a Section 28 claim brought by a former employee through trial in the Worcester Department of Industrial Accidents
- 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

ATTORNEY BIOGRAPHY – DAVID L. FINE

Representative Matters (continued)

- 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
- 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 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 several supply companies including, among others, plumbing and mechanical, electrical, and concrete, in various collection actions
- Represented the interests of the pension, annuity, health, and apprenticeship trust funds of a local trade union

Publications/Presentations

- Quoted in “Judge Strictly Construes Prompt Payment Act,” *Massachusetts Lawyers Weekly*, December 10, 2020
- “Understanding the Primary AIA Contract Documents,” HalfMoon Education, Inc., July 21, 2020 (webinar)
- Quoted in “Hurting, contractors are implementing coronavirus measures to protect their clients and themselves,” *Boston.com*, May 12, 2020
- Quoted in “Real Estate Industry Reacting to Short- and Long-Term Consequences of Pandemic,” *Worcester Business Journal*, May 11, 2020
- “COVID-19: Impact on Construction,” *On Air with Mirick O’Connell* legal podcast, April 23, 2020
- “COVID-19 Town Hall Webinar,” ABA Forum on Construction Law, April 2020 (moderator)
- “Managing Engineering Liability and Risk,” HalfMoon Education, March 2020 (panelist)
- “The Impact of Coronavirus on the Construction Industry,” Mirick O’Connell’s COVID-19 Legal Updates Client Alert, March 18, 2020
- “Legal Issues for Builders, Remodelers and Contractors,” Home Builders Association, August 2019 (presenter)
- “AIA Contract Workshop,” HalfMoon Education, July 2019 (presenter)
- “Revitalization of Worcester: An Insider’s View of the CitySquare Project,” Massachusetts Bar Association, June 2019 (moderator, presenter)
- “Construction Risk Management,” Home Builders Association, April 2019 (presenter)
- “Mind the Gap: Avoiding Design Delegation Dangers,” American Bar Association, September 2019 (webinar panelist)
- “Construction Law Fundamentals,” Home Builders Association, August 2018 (presenter)
- “Legal Issues for Builders, Remodelers and Contractors,” Home Builders Association, March 2018 (presenter)
- “Warranties, Guarantees, Decennial Liability, and Statutes of Limitation & Repose,” ABA Forum Midwinter National Meeting, January 2018 (presenter)
- “The New AIA Documents: What’s New,” American Bar Association Forum on Construction Law, October 2017 (moderator)
- “The 2017 A201 Deskbook,” American Bar Association Book Publishing, September 2017 (author)
- “Construction Contracts and Risk Management,” Massachusetts Department of Housing and Community Development, September 2017 (presenter)
- “Construction Contract Workshop,” HalfMoon Education Inc., April 2017 (presenter)
- Quoted in “General Contractor Liable for Subcontractor’s Loss of Productivity,” *Massachusetts Lawyers Weekly*, April 2017
- “Construction Supervisors License (“CSL”) Continuing Education Program,” HBRA, December 2016 (presenter)
- “Pretrial Procedures” Massachusetts District Court Civil Procedure Manual, MCLE, October 2016 (author)
- “Examining Legal Issues and Disputes,” HalfMoon Education, Inc., May 2016 (presenter)
- “Legal Issues for Contractors,” Gould Construction Institute, Associated Builders and Contractors, Inc., March 2016, September 2015, April 2015, November 2014, March 2014 (presenter)

ATTORNEY BIOGRAPHY – DAVID L. FINE

Publications/Presentations (continued)

- “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)