Litigation

Nutter litigators enjoy a national reputation based on their superior skills both in and out of the courtroom. We aggressively and effectively represent clients from pre-litigation counseling through the litigation process, including discovery, trial and appeal, as well as alternative dispute resolution where appropriate. As a litigation law firm, we pride ourselves in achieving positive outcomes for our clients through sound strategy, intense preparation, and steadfast advocacy.

Our Team

Our litigators are prominent and highly respected members of the legal and business communities. Many of them have served in leadership positions in the American, Boston, and Massachusetts Bar Associations, and the Commonwealth’s Judicial Nominating Committee. Some of them appear in The Best Lawyers in America, teach at Boston law schools, and are nationally published. Among our partners are:

- Two fellows of the prestigious American College of Trial Lawyers
- A former first assistant U.S. attorney, chief of the Criminal Division of the U.S. Attorney's Office in Boston, and senior trial attorney in the Department of Justice
- A former assistant U.S. attorney and chief of the economic crimes unit for the District of Massachusetts
- A former justice of the Massachusetts Superior and Probate Courts
- The former president of the Boston Bar Association, founding member of the Women’s Bar Foundation, and chair of the SJC’s Standing Committee on Pro Bono Services
- Former Massachusetts assistant attorneys general
- A director of the Environmental Business Council of New England

Who We Represent

Our clients represent a broad spectrum of businesses and individuals, including major publicly-held companies based in the United States and abroad, family-owned and other privately-held companies, professional service firms, including several of the Big Four accounting firms and numerous prominent law firms, major universities, hospitals, and other non-profit institutions, regulated businesses such as registered broker-dealers, money management firms and investment advisers, and governmental entities, including the Commonwealth of Massachusetts, various state agencies and numerous municipalities.

What We Do

Antitrust
- Price fixing, market allocations, group boycotts and other conspiracies
- Dealer terminations and other dealer/distributor disputes
- Monopolization
- Price discrimination
- Government investigations
- Defending and attacking proposed mergers, joint ventures and other business combinations
- Unfair competition and other business torts
- Tying and reciprocal dealing
- Claims involving intellectual property issues, including standard-setting and restrictive licensing practices

Alternative dispute resolution

- Arbitration of all types, including commercial, labor, construction and international
- Mediation
- Mini-trials and other court-sponsored ADR methods
- Service as trained neutrals and arbitrators for AAA, court-sponsored privately arranged, and other ADR forums

Commercial litigation

- Complex contract disputes
- Tortious interference and other business torts
- Common law fraud
- RICO
- Chapter 93A
- Non-competition covenants
- Partnership and close corporation disputes
- Business valuation
- Software disputes

Bankruptcy and workout litigation

- Represent officers and directors of troubled companies both before and during bankruptcy proceedings
- Obtain pre-bankruptcy injunctive and attachment remedies for creditors
- Litigate in the Bankruptcy Court against estate representatives claiming preferences, fraudulent conveyances and breach of fiduciary duty
Litigation

- Represent buyers of troubled businesses in the Bankruptcy Court

Education

- Tort claims arising out of campus security breaches for universities and secondary schools
- Title IV
- Civil rights
- Student discipline
- Claims under the Family Educational Rights and Privacy Act
- First Amendment issues, including freedom of speech and separation of church and state
- Employment claims
- Faculty disputes

Employment

- Employment and labor relations matters
- Contract disputes over employment contracts and non-competition covenants
- Wrongful discharge
- Discrimination and harassment
- ERISA
- Privacy
- Defamation
- Worker’s compensation
- Worker health and safety

Environmental

- Ground water contamination
- Environmental compliance actions
- Superfund clean-ups
- Wetlands protection
- Hazardous waste disposal
- Private party clean-ups
- Environmental impact assessments
- Sewage treatment and disposal
First Amendment

Intellectual property
- Patents
- Trademarks and trade dress
- Copyrights
- Trade secrets

Insurance
- Coverage disputes and bad faith claims
- Asbestos claims
- Environmental and other Massachusetts tort coverage issues
- Directors’ and officers’ liability
- Life, health and disability coverages
- Complex coverage issues in bankruptcy context
- Coverage audits and other proactive insurance counseling

Probate
- Will contests
- Trust disputes
- cy pres proceedings
- Custody
- Adoptions
- Paternity
- Partitions of property
- Claims against fiduciaries

Product liability
- Medical devices
- Blood products
- Pharmaceuticals
- Motor vehicles
- Heavy equipment
- Computer equipment
- Gases
- Chemicals
- Asbestos-containing products
- Consumer products

Professional liability and malpractice

- Accounting
- Legal
- Medical

Real estate and zoning

- Construction claims
- Land use disputes
- Commercial lease disputes
- Eminent domain

Securities and corporate

- Securities fraud
- Insider trading
- Corporate disclosure issues
- Claims arising out of mergers and acquisitions
- Proxy contests and other corporate control disputes
- SEC and state securities enforcement
- Officer and director liability
- Broker/dealer disputes
- Claims involving investment advisory firms

White collar criminal defense

- Criminal trials and appeals
- Representing witnesses before federal and state grand juries
Claims such as procurement fraud, tax fraud, antitrust, mail and securities fraud, money laundering, and campaign contribution violations

Representative Matters

Representation of a healthcare products and medical supplies company against claims for breach of contract
Representation of a healthcare products and medical supplies company against multimillion dollar claim for breach of contract in connection with a supply agreement.

Representation of transportation company against wage and hour claims
Representation of the limousine industry in numerous independent contractor-employee misclassification disputes including class actions, individual lawsuits and enforcement proceedings by state regulators.

Class of insurance companies
Nutter represented a class of insurance companies in RICO litigation filed against one of their competitors.

Financial services company
Nutter obtained summary judgment in an age discrimination suit filed against a large financial services company.

Fortune 100 insurance company
Nutter defended a Fortune 100 insurance company in multistate litigation arising out of the hiring of agents from a competitor, including claims relating to non-competes, breach of contract, and tortious interference.

Fortune 100 medical device company
Nutter represented and counseled a Fortune 100 medical device company in non-compete, non-solicit, and trade secret strategy and litigation throughout the country.

Fortune 100 medical device company
Nutter represented and counseled a Fortune 100 medical device company in non-compete, non-solicit, and trade secret strategy and litigation throughout the country.

Health insurance plan
Nutter represented a health insurance plan in a qui tam lawsuit alleging billing improprieties, and prevailed at motion to dismiss stage.

Laboratory
Nutter represented a laboratory in qui tam litigation alleging fraudulent billing practices, and secured a key court opinion favorable to the entire industry.
Major medical device manufacturer
Nutter represented a major medical device manufacturer in defending multiple whistleblower claims brought by former employees in several jurisdictions.

Medical device manufacturer
Nutter represented a medical device manufacturer in multiyear non-compete litigation involving significant sales representatives who made multiple moves between competitors.

Multinational corporation
Nutter persuaded the Department of Labor to reestablish its rule against extraterritorial application of Sarbanes-Oxley Section 806, resulting in dismissal of a retaliation claim filed against a multinational corporation filed by an employee of an Asian subsidiary.

North Dakota manufacturer
Nutter successfully defended a North Dakota manufacturer before the National Labor Relations Board against the union’s unfair labor practice claims after the manufacturer withdrew recognition of the union.

Wealth management group
Nutter represented a wealth management group in pursuing non-compete and non-solicitation claims against a Fortune 100 company and three former employees. We obtained a favorable pre-litigation settlement.

Cali’flour Foods
Nutter advised Cali’flour Foods, the developer and manufacturer of low-carb, gluten-free cauliflower products, in a Series A financing round led by Sunrise Strategic Partners, with participation from CircleUp Growth Partners.

Manufacturer of Specialized Industrial and Technical Paper Products
Nutter serves as national coordinating counsel to a manufacturer of specialized industrial and technical paper products, named as a defendant in asbestos cases across the country.

Consumer Product Manufacturer and Retailers in Talcum Powder Litigation
Nutter represents a consumer product manufacturer and retailers in multi-district litigation and other coordinated national litigation involving talcum powder. Roles on the team range from serving as local counsel to leading national science teams responsible for identifying and preparing experts and developing defense strategies related to the medical, scientific, and technical issues relevant to each case.

Food and Beverage Companies
Nutter advises food and beverage companies on some of the common areas of litigation and regulatory risk faced as they design and implement their product packaging and marketing plans.

Medical Device Companies in Multi-District Litigations
Nutter repeatedly represents medical device companies in multi-district and “one-off” product liability litigations involving orthopaedic implants. The team has served as both national counsel and as part of a “virtual law firm”
responsible for such diverse tasks as analysis of the science (including orthopaedics, biomechanics, biomaterials, epidemiology, and pathology), retention of expert witnesses, analysis of company documents, and development of narrative themes for company witnesses. Nutter also works with the company’s in-house and outside counsel in Canada, Europe, and Asia-Pacific on these related issues.

**Pharmaceutical and Medical Supplies Distributor in Opioids Litigation**
Nutter represents a distributor of pharmaceuticals and medical supplies in coordinated national litigation involving opioids.

**Major Pharmaceutical and Medical Device Corporations**
Nutter has represented and is representing major corporations in lawsuits involving diverse pharmaceutical and medical device products, such as contact lenses, contraceptive patches, pediatric painkillers, quinolone antibiotics, migraine medication, and tissue morcellators.

**Greater Boston Chamber of Commerce**
Nutter filed a successful amicus brief on behalf of the Greater Boston Chamber of Commerce in *Calixto, et al. v. Coughlin, et al.* that warned against expanding the Massachusetts Wage Act beyond earned wages. According to the brief authors, doing so would have created uncertainty for employers and have had a detrimental effect on distressed businesses.

**Veterans Board of Appeals**
Secured Veterans Board of Appeals remand for veteran’s widow in the appeal of her claim for death benefits for the veteran’s suicide.

**Represented shorefront owners in litigation concerning easement rights on Cape Cod**
Nutter defended several shorefront owners in litigation concerning access to the waters of Cape Cod Bay. The courts ruled that the original developers did not reserve beach rights for the inland owners and further confirmed that the shorefront owners owned their land out to the mean low water line.

**Litigation over the sale of a multi-million dollar property in Chatham**
Nutter recently secured a victory in the Massachusetts Appeals Court in an opinion that upheld the granting of a special motion to dismiss a suit that sought to enforce an alleged contract for the sale of a multi-million dollar waterfront property in Chatham. The Appeals Court also ruled that the property owner was entitled to recover its appellate legal fees from the plaintiffs. The plaintiffs’ complaint alleged that the defendants’ failure to countersign the plaintiffs’ written purchase offer breached a promise that had been made by the defendants’ local attorney and real estate broker, and that the defendants became legally obligated to sell the property when the plaintiffs submitted a signed written offer and tendered a deposit check. On appeal, the plaintiffs changed their theory and claimed that an email from the defendants to their real estate broker discussing terms that the defendants wished to see in any deal could be combined with the plaintiffs’ later purchase offer to create a contract and satisfy the writing requirement of the statute of frauds. The Appeals Court rejected the theory, affirmed the lower court decision granting the defendants’ special motion to dismiss the case, and ruled that the plaintiffs would have to pay the defendants’ legal fees on
appeal. The key holding was that, even though the unsigned form of the purchase offer came from the defendants’ attorney, it always remained an offer to purchase that the defendants were free to accept or reject, and that it was never an offer to sell.

Summary judgment and appeal in putative class action regarding total-loss claims
Nelson Apjohn represented The Commerce Insurance Company, the largest vehicle insurer in Massachusetts, in a putative class action claiming that its policy and Massachusetts regulations required Commerce to pay sales tax when settling a total-loss claim made by a third-party claimant, who fails to show that he or she incurred a sales tax purchasing a replacement vehicle. He argued the summary judgment motion before the Superior Court, which granted the motion and entered judgment in favor of Commerce. Nelson also successfully argued on behalf of Commerce the plaintiff's appeal before the Massachusetts Court of Appeals, which affirmed the judgment. *Ramirez v. Commerce Ins. Co.*, 91 Mass. App. Ct. 144 (2017).

Top ten verdicts of 2011
After an approximately two-week trial in April 2011, a Barnstable Superior Court jury awarded damages of $2,100,000 to the plaintiff landowners in an eminent domain trial resulting from various takings at the former Sagamore Rotary. Nelson Apjohn and Robyn Maguire represented the plaintiffs. According to *Lawyers Weekly*, the verdict was among the top ten verdicts in Massachusetts in 2011.

The takings were made in October 2004 in connection with the Commonwealth's construction of the Sagamore Flyover Highway Project. The plaintiffs' land consisted of approximately seventeen acres just west of the former Sagamore Rotary, which had historically been used in part for residential housing. The plaintiffs presented evidence at trial that the highest and best use of the land was a residential housing development pursuant to G.L. c. 40B, along with a commercial development on the commercially-zoned eastern portion of the property. The Commonwealth contended that the highest and best use of the property was for a nine-lot residential subdivision.

Representation of insurance companies in class action litigation involving the workers compensation industry
Represented insurance companies that wrote workers compensation insurance in class action litigation involving the entire workers compensation industry. This litigation, brought in the United States District Court for the Northern District of Illinois (in Chicago), involved claims of hundreds of millions of dollars of premium underreporting that affected the contributions of all class members to state-mandated reinsurance pools.

Top ten verdicts of 2010
After an approximately two-week trial in October 2010, a Barnstable Superior Court jury awarded damages of $4,150,000 to the plaintiff landowner in an eminent domain trial resulting from various takings at the former Sagamore Rotary. Nelson Apjohn and Robyn Maguire represented the plaintiff. According to *Lawyers Weekly*, that verdict was among the top ten verdicts in Massachusetts in 2010.

This case involved the Commonwealth of Massachusetts’ takings of commercial property near the former Sagamore Rotary in Bourne, Massachusetts. The takings were made in connection with construction of the Sagamore Flyover Highway. The property consisted of approximately eleven acres of commercial property, a portion of which had been
used as a gas station since the 1960s. The Commonwealth took approximately 2.5 acres in fee and approximately an additional 7.5 acres of property as a five-year easement, for use as a commuter parking lot during construction.

**Won jury verdict in a major business torts case**
After a client’s competitor acquired a client’s exclusive supplier and threatened to terminate the client’s supply of a key component, we sued the competitor and supplier. In a month-long trial, we obtained a jury verdict holding the competitor and a supplier liable for breach of contract, tortious interference, and misappropriation of trade secrets, ultimately leading to a favorable judgment for declaratory and injunctive relief, double damages, and a multimillion dollar legal fee award under Massachusetts’s unfair trade practices statute.

**The Commonwealth of Massachusetts**
Nutter lawyers served as Special Assistant Attorneys General representing the Commonwealth of Massachusetts in connection with all claims arising from construction defects from the alleged “sick building” status of the Ruggles Center, the former home of the Massachusetts Registry of Motor Vehicles. These matters involved extensive claims resulting from construction defects at the building in question, along with a $30 million claim against the Commonwealth for breach of its lease agreement. After several years of litigation, the matters were successfully resolved with a multimillion dollar payment to the Commonwealth.

**Representing client in civil and criminal cases related to construction project**
Sarah Kelly was part of the Nutter team that represented many engineers involved with civil and criminal litigation arising from a major Boston construction project.

**Defense verdict in U.S. District Court**
Sarah Kelly was part of a team that secured a defense verdict for its client after a four-week jury trial in the U.S. District Court for the District of Massachusetts. A major European luxury hotel brought suit against Nutter’s client based on the client’s alleged connection to a significant fire at the hotel. The hotel claimed that the client was responsible for this fire because one of the client’s guests, a customer, negligently discarded a cigarette in her hotel room.

After four years of discovery and motion practice, Nutter presented its case to a jury, demonstrating not only that its client was not negligent but that the hotel’s fire safety practices were inadequate. The trial lasted four weeks, while the jury deliberated for less than a day before rendering a verdict entirely in favor of Nutter’s client.

**Dismissal of litigation in both state and federal court**
Sarah Kelly has successfully represented a managing director of a private equity firm against breach of fiduciary duty claims. The claims, brought by various plaintiffs, have been litigated before both state and federal courts in California, and Nutter has successfully defended its client before all of them, including the Supreme Court of California. They arose out of the client’s position as an outside director of a California health-care company that eventually went bankrupt. The cases have all been resolved in the client’s favor, as a result of successful motions to dismiss and motions for summary judgment.
**Large Printing Company**
Nutter obtained a jury defense verdict for a large printing company on a multimillion dollar claim arising from allegations of widespread hazardous exposure to lead dust.

**Obtained favorable settlement on patent infringement claims**
Our client was sued for allegedly infringing a patent pertaining to the method by which our client’s product was packaged. Though the client denied any infringement, the client was able to settle the matter on favorable terms, including an advantageous license arrangement.

**Won judgments in complex real estate litigation after related jury-waived trials in two courts**
One of the country’s largest retailers sued our client for millions of dollars in alleged damages and for an injunction based on a claimed breach of an easement agreement. After a jury-waived trial, we obtained a judgment dismissing the case. The court credited our client’s interpretation of the agreement and found there was no breach. In a related case, our client sued the retailer and a local permitting authority in a different court to overturn a decision that granted the retailer a permit to develop its property in a manner that would have been detrimental to our client’s adjoining property. After a jury waived trial, we obtained a judgment overturning the permit on the ground that the permitting authority abused its discretion. The combination of these two decisions later enabled the client to make an advantageous sale of its property to a third party.

**Negotiated Favorable Settlement for Client Mid-trial in Unusual Will Contest**
After our client and her children had received one-third of a large estate through distributions of a relative’s will, the executor decided that he had misread the will and that our clients were entitled to only a one-seventh share. The executors requested instructions from probate court to distribute the estate in sevenths; our clients opposed and counter-sued for breach of fiduciary duty. The court ruled that our clients were entitled to only one-seventh of the estate under the will’s clear language, but after a day of trial the executor’s insurer agreed to pay our clients the full amount they were required to return to the estate.

**Case Studies**
Nutter represents shorefront owners in litigation on Cape Cod.
10.09.2018

**News**
Nutter Elects Six New Partners in its Corporate and Transactions, Litigation, and Private Client Departments
01.02.2020 | Press Release

Seth Berman Quoted on Cybersecurity and Privacy Predictions for 2020 in Law360
01.01.2020 | Media Coverage
Mary Ryan Recognized as a ‘Member Who Inspired Us in 2019’ by the ABA Journal
12.30.2019 | Media Coverage

Seth Berman Outlines 2020 Cybersecurity Predictions in Security Info Watch
12.27.2019 | Media Coverage

Nutter Named to the BTI Client Service A-Team 2020: Survey of Law Firm Client Service Performance
12.05.2019 | Announcement

The Boston Globe Names Nutter a Top Place to Work for 2019
11.15.2019 | Press Release

11.01.2019 | Press Release

Seth Berman Weighs In on the Presidential Impeachment Inquiry on Luminary Podcast
10.21.2019 | Media Coverage

Mary Ryan Weighs In on the ABA’s Immigration-Related Resolutions in the ABA Journal
08.19.2019 | Media Coverage

Forty-four Nutter Lawyers Named 2020 Best Lawyers in America©
08.15.2019 | Press Release

Ian Roffman Serves as Member of Boston Bar Association’s Judicial Independence Working Group
08.15.2019 | Announcement

Dan Hartman Appointed to the Massachusetts Advisory Committee of the U.S. Commission on Civil Rights
08.06.2019 | Announcement

Nutter Ranks #3 in Vault's 2020 ‘Best Midsize Law Firms to Work For’ List
07.22.2019 | Announcement

Liam T. O’Connell and Michael E. Scott Commence Terms as Nutter Co-Managing Partners
07.01.2019 | Announcement

Seth Berman and Tom Curry Quoted on Data Security in the Financial Services Industry in Law360
06.14.2019 | Media Coverage

Nutter Selected to the 2019 BTI Brand Elite by BTI Consulting
05.16.2019 | Media Coverage

David Ferrera Quoted on the Risks Facing Medical Device Makers After FDA Effort in Bloomberg Law
05.14.2019 | Media Coverage
Chambers USA 2019 Recognizes Nutter Lawyers, Practices as Industry Leaders
04.25.2019 | Press Release

Mary Ryan Quoted on a Supreme Judicial Court Decision in Massachusetts Lawyers Weekly
04.22.2019 | Media Coverage

Seth Berman Weighs In on the Mueller Report in Christopher Lydon’s Open Source
04.19.2019 | Media Coverage

Liam O’Connell and Mike Scott Elected Co-Managing Partners of Nutter, Reports Massachusetts Lawyers Weekly
04.11.2019 | Media Coverage

Eric Magnuson Quoted on U.S. District Court Ruling on Jurisdiction in Massachusetts Lawyers Weekly
04.03.2019 | Media Coverage

Liam O’Connell and Mike Scott Elected Co-Managing Partners of Nutter, Reports BBA Week
04.03.2019 | Media Coverage

Nutter Announces New Firm Leadership, Reports Banker & Tradesman
03.28.2019 | Media Coverage

Nutter Names New Firm Leaders, Reports The American Lawyer
03.28.2019 | Media Coverage

The Boston Business Journal Reports on Nutter’s Management Transition
03.28.2019 | Media Coverage

Liam T. O’Connell and Michael E. Scott Elected Co-Managing Partners of Nutter
03.25.2019 | Press Release

Deborah Manus Quoted on Mid-Size Firm’s Talent Advantage in The Mid-Market Report
03.18.2019 | Media Coverage

Mary Ryan Selected as an Exclusive Category Winner in Massachusetts by the 2019 Client Choice Awards
02.14.2019 | Announcement

Nutter Files Amicus Brief in Calixto, et al. v. Coughlin, et al. on Behalf of the Greater Boston Chamber of Commerce
01.17.2019 | Press Release

Nutter Recognized in the BTI Client Service A-Team 2019: The Survey of Law Firm Client Service Performance
12.13.2018 | Announcement

Mary Ryan Appointed as a Member of the SJC’s Massachusetts Access to Justice Commission
11.28.2018 | Announcement
11.01.2018 | Press Release

Ian Roffman Quoted Extensively on the SEC’s Use of Advanced Analytics in Massachusetts Lawyers Weekly
10.29.2018 | Media Coverage

Chris Lindstrom Elected President of the Board of Directors of Lawyers Clearinghouse
10.02.2018 | Announcement

Dawn Curry Named a ‘2019 Benchmark Litigation Star’
09.28.2018 | Announcement

Ken Berman Quoted on Witness Preparation in the Boston Globe
09.26.2018 | Media Coverage

Jonathan Kotlier Named Fellow of the Litigation Counsel of America
08.29.2018 | Announcement

Thirty-nine Nutter Lawyers Named 2019 Best Lawyers in America©
08.15.2018 | Press Release

Chris Lindstrom Quoted on Revised Massachusetts Non-Compete Rules in the Boston Globe
08.07.2018 | Media Coverage

David Ferrera Named Vice Chair of CLE - Annual Meeting for the Drug, Device and Biotechnology Committee of the International Association of Defense Counsel
08.07.2018 | Media Coverage

Mary Ryan Quoted on Pro Bono Services for Unaccompanied Minors in ABA Journal
06.28.2018 | Media Coverage

Massachusetts Appleseed Names Nutter Associate Micah Miller to Board of Directors
06.28.2018 | Media Coverage

Heather Repicky Quoted on Supreme Court Ruling on Lost Profit Damages Arising from Patent Infringement in IAM Magazine
06.26.2018 | Media Coverage

Heather Repicky Comments on the Significance of the Supreme Court’s Decision in WesternGeco v. ION GeoPhysical in IPWatchdog
06.25.2018 | Media Coverage

Nutter 2018 Partner Elevations Featured in Law360
05.08.2018 | Media Coverage
Ken Berman and Deb Manus Pictured at the Reinventing Witness Preparation Reception in Mass Lawyers Weekly
05.07.2018 | Media Coverage

The Boston Business Journal Selects Nutter as a ‘2018 Best Places to Work’ Honoree
04.13.2018 | Press Release

Mary Ryan Selected as a BTI Client Service All-Star 2018
03.29.2018 | Media Coverage

Persuasive Litigator Reviews Ken Berman’s Book Reinventing Witness Preparation
03.27.2018 | Media Coverage

Nutter Partner Kenneth R. Berman Releases Reinventing Witness Preparation
03.14.2018 | Press Release

Mary Ryan Named Exclusive Category Winner in Massachusetts by the 2018 Client Choice Awards
02.08.2018 | Media Coverage

Events

Brian Lee to Present on the Products Liability Implications of Innovative Products at ABA Conference
01.31.2020

Ian Roffman to Speak at MCLE New England 19th Annual Business Litigation Conference
02.07.2020

Ken Berman to Present at the ABA Section of Litigation's 2020 Corporate Counsel CLE Seminar
02.14.2020

Ken Berman to Present at the ABA 2020 Insurance Coverage Litigation Committee CLE Seminar
03.06.2020

Mike Leard to Co-Chair the Massachusetts Bar Association’s Second Annual Young Lawyers Division Symposium
12.13.2019

Seth Berman Serves as Advisory Board Chair of the Boston Bar Privacy & Cybersecurity Conference
12.04.2019

Labor, Employment and Benefits Breakfast: The ABCs of Independent Contractors
12.04.2019

Seth Berman to Present on Universities and Data Breaches at the Boston Bar Association
11.20.2019
Ken Berman to Present on Witness Testimony at Yale University
10.07.2019

David Ferrera to Present on Product Liability Implications of Product Innovations at IADC’s 2019 Annual Meeting
07.08.2019

Seth Berman to Moderate Cyberattacks and Incident Response Panel at the BBA’s Privacy & Cybersecurity Conference
05.14.2019

Liam O’Connell to Present on Labor Laws at the MBA’s 40th Annual Labor & Employment Law Spring Conference
04.25.2019

Ken Berman to Present on Reinventing Witness Preparation at the Association of Corporate Counsel Event
04.25.2019

Labor, Employment and Benefits Breakfast Briefing: Paid Family and Medical Leave
04.23.2019

Heather Repicky and Melanie Todman to Present at the Women, Diversity & Change Summit
04.10.2019

Emily Fox to Present at ‘A Recipe for Success: Tips for Building the Right Team’
04.03.2019

Will Bernat and Chris Lindstrom to Present on Employee Compensation at The Capital Network Event
04.01.2019

Mike Leard Serves as Co-Chair of the Massachusetts Bar Association’s ‘Survive and Thrive’ Event
03.13.2019

Mark Jensen to Present on the SEC’s Liquidity Risk Management Program Rule at the Boston Bar Association
03.12.2019

Ken Berman to Present on Cross-Examination Techniques at the 2019 Insurance Coverage Litigation Committee CLE Seminar
02.28.2019

Eric Magnuson Presents at the Association of Corporate Counsel’s Webinar ‘Mediation Before Litigation? Yes You Can’
02.27.2019
Ken Berman to Moderate Witness Preparation Panel at the American Bar Association’s 2019 Corporate Counsel CLE Seminar
02.16.2019

Mary Ryan to Present on Environmental Permitting Litigation at MCLE’s 20th Annual Environmental, Land Use & Energy Law Conference
02.07.2019

Ken Berman to Present on Witness Preparation at Social Law Library Event
12.04.2018

David Ferrera to Present on Hiring the Right Regional Counsel at ACI’s 23rd Annual Drug and Medical Device Litigation Conference
11.30.2018

Ken Berman to Present on Working with Witnesses at the ABA Section of Litigation’s 2018 Professional Success Summit
11.15.2018

Ken Berman to Present on Witness Preparation at UConn Law Alumni Event
11.14.2018

David Ferrera to Present on Implications of Product Innovations at the ABA Section of Litigation Product Liability Committee Regional CLE Program
11.09.2018

Will Bernat and Chris Lindstrom to Present on Employee Compensation and Equity at The Capital Network Event
11.06.2018

Seth Berman to Present on Cyberattacks and the Role of the Legal Department at ACC Event
11.05.2018

Seth Berman and Heather Repicky to Present at the LES 2018 Annual Meeting
10.14.2018

Nutter Food and Beverage Lunch: How to Avoid False Advertising and Similar Litigation
10.03.2018

Eric Magnuson to Present on Effective Written Motion Practice at Social Law Library
09.24.2018

Sa’adiyah Masoud to Present on Diversity at the Massachusetts Defense Lawyer Association
09.11.2018
Ken Berman to Present on Witness Preparation in American Bar Association Webinar
09.05.2018

Nutter Hosts The Veterans Consortium Pro Bono Program for Veterans Claims Appeals
06.27.2018

Seth Berman to Speak on How Leadership Should Best Approach Cyber Defense at the Cyber Security Summit
06.05.2018

Mark Jensen to Present on the SEC’s New Mutual Fund Liquidity Rule at the Boston Bar Association
05.31.2018

Alison Casey to Present on 2018 Litigation Trends at the IP Strategy Summit
05.15.2018

The Massachusetts Pay Equity Law: How to Prepare for July 1
05.15.2018

Ken Berman Leading Witness Preparation Program at the 2018 ABA Section of Litigation Annual Conference
05.03.2018

Robyn Maguire to Present on New Developments in Product Liability Law at the Boston Bar Association
04.24.2018

David Ferrera to Speak on Emerging Legal Services Trends at the Boston Bar Foundation Society of Fellows
04.03.2018

Ken Berman Presents on Contrasting Approaches to Witness Preparation at the Massachusetts Bar Association
04.03.2018

Nutter Hosts Official Book Launch Reception for Ken Berman’s Reinventing Witness Preparation
03.27.2018

Ken Berman Presents ‘Why Smart People Give Stupid Testimony’ at the 2018 ABA Section of Litigation Corporate Counsel Committee Seminar
02.17.2018

Publications
Writing for Banker & Tradesman, Seth Berman and James Gately Analyze Monetization of Big Data in the Banking Industry
12.29.2019 | Article
Writing for Banker & Tradesman, Tom Curry, Jay Cabral, and Dan Hartman Pen Article on Stablecoins
12.02.2019 | Article

Code Blue: Cybersecurity Vulnerabilities for Medical Device Makers Require Urgent Care
11.26.2019 | Insights

David Ferrera Serves as Editor and Author of MCLE’s Massachusetts Courtroom Advocacy 2019
11.14.2019 | Legal Update

Writing for Banker & Tradesman, Tom Curry, Jay Cabral, and Dan Hartman Analyze the CFPB’s Steps Toward Financial Innovation
10.27.2019 | Article

Writing for Value Walk, Mark Jensen and Ian Roffman Analyze SEC Regulations
10.18.2019 | Article

Writing for Banker & Tradesman, Seth Berman and James Gately Author Article on Cybercrime
10.01.2019 | Article

Writing for Banker & Tradesman, Tom Curry, Jay Cabral, and Dan Hartman Analyze Technology and Banking Charters
08.19.2019 | Article

Writing for Massachusetts Lawyers Weekly, Ken Berman Authors Article on Witness Preparation
07.25.2019 | Article

Writing for Banker & Tradesman, Seth Berman Analyzes Facebook’s Libra Cryptocurrency
07.24.2019 | Article

Writing for IPWatchdog, Steve Saunders and Heather Repicky Analyze Two Precedential Federal Circuit Decisions
06.18.2019 | Article

Writing for Risk Management, Robyn Maguire and Melanie Todman Analyze the Product Liability Challenges of Diagnostic Health Technology
06.11.2019 | Article

Writing for Banker & Tradesman, Seth Berman and Nehal Khorrarinejad Analyze Changes to the Massachusetts Data Privacy Law
05.23.2019 | Article

Writing for Security Magazine, Ian Roffman, Seth Berman, and Melanie Todman Analyze the SEC’s Cybersecurity Agenda
05.16.2019 | Article
Seth Berman and Charles Pierre Author Update to the ‘Domestic Privacy Profile on Massachusetts’ for Bloomberg Law: Privacy & Data Security
05.15.2019 | Article

Writing for Dark Reading, Seth Berman Addresses the Potential of a U.S. National Privacy Law
04.24.2019 | Article

Writing for Bloomberg BNA, David Ferrera Authors Article on Effectively Presenting Scientific Evidence in Mass Tort Litigation
04.08.2019 | Article

Changes to Massachusetts Law on Security Breaches
04.08.2019 | Legal Advisory

Writing for the ABA’s Litigation Journal, Ken Berman Analyzes Credibility and the Burden of Proof
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Storytelling and Stick Figures: Tips on How to Effectively Present Scientific Evidence in Mass Tort Litigation
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Writing for Massachusetts Lawyers Weekly, David Ferrera, Sa’adiyah Masoud, and Ritika Bhakhri Analyze Significant Product Liability Holdings in 2018
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Seth Berman and Charles Pierre Author Domestic Privacy Profile on Massachusetts for Bloomberg Law: Privacy & Data Security
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Writing for Massachusetts Lawyers Weekly, David Rubin Analyzes the Massachusetts Noncompetition Agreement Act
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Writing for Massachusetts Lawyers Weekly, David C. Henderson Highlights the Importance of the IOLTA Program
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Writing for ABI Journal, John Loughnane Analyzes Using Mediation to Resolve e-Discovery Issues
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Massachusetts Supreme Judicial Court Recognizes ‘Innovator Liability’
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Writing for Massachusetts Lawyers Weekly, David Ferrera and Melanie Woodward Examine Key 2017 Product Liability Decisions
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SEC Announces Self-Reporting Initiative On Investment Adviser Share Class Selection
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Court Tackles Issue of First Impression in Massachusetts: Defendant Can Move to Strike Class Allegations Under Rule 12(f)  
*BLS Blog*, 02.02.2018

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**Our Team**

Our multidisciplinary team understands the ever-expanding universe of data and the technical, legal, and financial challenges it presents. Nutter has a deep bench of litigation attorneys with extensive experience handling complex eDiscovery matters. Nutter’s litigators draw on the substantial technical expertise from the firm’s technology professionals, including multiple Certified E-Discovery Specialists (CEDS) with the Association of Certified E-Discovery Specialists (ACEDS).

**What We Do**

Our experienced litigation technology professionals can handle Electronically Stored Information (“ESI”) internally from collection to production through our advanced technology platforms, or work with our vendors and our clients to craft a tailored approach to ESI management. We have extensive experience in managing all aspects of the eDiscovery process, including identification, preservation, collection, review and analysis, and production. Our data hosting infrastructure provides secure access to clients and external parties at a cost significantly below vendor market rates.
The Nutter team, led by Seth Berman, leverages its experience with a wide array of workflows and advanced technology, including technology-assisted review, to maximize efficiency in the document review process with strategies that are defensible in court. We design meticulous quality control procedures when managing a team of expertly trained contract lawyers and advanced forensic data analysis firms, to ensure an effective and efficient process.

Nutter approaches each new eDiscovery challenge with practical and defensible processes to ensure a streamlined and cost-effective outcome.