



David L. Fine

Partner

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Overview

Dave is a construction industry attorney specializing in construction contracting, representing his clients during projects, and construction claims and litigation. His clients appreciate his deep understanding of the issues that impact their business, combined with his practical approach to resolving complex matters. Dave's client base consists of project owners, general contractors, subcontractors, suppliers, architects and various other vendors and consultants who work in the construction industry. He has significant experience representing clients in different types of projects, including private and public, commercial, residential, and mixed-use, and utilization of all different project delivery methods. Dave has significant experience with the banking, healthcare, life science, and education sectors, as well as municipal and state projects.

Clients value Dave's insight and advice navigating contract and project issues from the vantage point of his dual role as both a transactional construction attorney as well as being an experienced business and construction litigator. As Chair of Mirick's Construction Industry Practice Group, Dave works closely with his colleagues in other practice areas such as corporate, real estate, labor, and employment, to provide full service and well-rounded representation for his clients, no matter what issues may arise.

Dave holds leadership positions in many different local and national trade and construction bar organizations, giving him platforms to lecture, write, and learn from other leaders at the forefront of topics that are pertinent to his construction industry clients, including the ABA Forum on Construction Law, the MBA Development and Construction Law

Linda Rothera

Legal Support Specialist

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Education

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

University of Vermont BA (1999)

Bar 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

Related Services

Alternative Dispute Resolution

Business Litigation

Construction Litigation

Committee, the Central MA Home Builders and Remodelers, and others. Dave is particularly active with the ABA Forum, where he was appointed to serve as Chair of the Specialty Trade Contractor and Material Supplier Division, among other roles.

Experience

- Drafted, reviewed, or negotiated thousands of construction contracts ranging from industry standard forms (AIA, ConsensusDocs, DBIA, EJCDC) to residential development and construction agreements, and related construction industry forms including, for example, work proposals, lien waivers, releases, consents, applications for payment, change orders, notices of claim, default and termination, and completion and project closeout documents
- Successfully represented several institutions, in particular in the banking, medical and education sectors, in connection with project planning of all types and kinds, including selection of delivery method, identifying needs and candidates for project participants such as designer, contractor, OPM, and other consultants and vendors, and contractual and other logistical assessments
- Successfully represented hundreds of general contractors, trade contractors, designers, consultants and material suppliers in connection with prosecuting or defending construction claims involving payment, performance, defects and workmanship, delay and acceleration, default and termination, bid protests and others, in the state and federal courts throughout Massachusetts and Rhode Island, in alternative dispute resolution (ADR) forums such as mediation and arbitration, and in administrative proceedings
- Negotiated a successful resolution on behalf of a general contractor in a dispute with a hospital, architect, and subcontractors over differing conditions and delay in a multi-phased renovation and new construction hospital project
- Prepared contract documents for area preparatory school for a new dormitory project and related projects
- Obtained payment for site contractor on a mechanic's lien action arising from a multi-party dispute in a mixed-use project in Boston's Seaport District, in a case ultimately decided by the Massachusetts

Litigation

Related Industries

Construction

Appeals Court, and establishing precedent regarding the Massachusetts Prompt Pay Act

- Prepared contract documents for national bank in connection with branch and office construction and renovation programs
- Successfully defended construction manager against claims by a project owner alleging defective work and resulting property damage, arising from a condominium project
- Obtained payment for general contractor on a claim against a public owner arising from the construction of a new municipal police and safety complex
- Represented mechanical contractor in several payment claims against sureties arising from federal government projects, pursuant to the Miller Act
- Represented national electrical supplier in several payment claims against customers on account
- Reviewed, drafted and negotiated contract terms on a regular basis for fire code consulting firm
- Prepared contract documents for area healthcare institution in connection with construction of new V.A. Hospital
- Successfully represented architectural firm against claims arising from design and defect claims in connection with a suburban condominium project
- Successfully defended municipality against a bid protest filed with the Massachusetts Attorney General's Office by a general contractor in connection with a school project
- Prepared master subcontract forms for several area general contractors and construction managers
- Obtained payment for site contractor in a claim arising from a suspended hospital project involving bankruptcy implications
- Obtained arbitration award in favor of builder defending against claims by a residential owner alleging defective workmanship and violation of the Massachusetts Consumer Protection Act, Chapter 93A, and the Massachusetts Home Improvement Contractors Act, Chapter 142A

Affiliations

- American Bar Association, Forum on Construction Law, Chair; Special Programming and Education Committee member; Distance Learning (Webinar) Committee member
- Associated Builders and Contractors
- Home Builders and Remodelers Association, Past President
- Massachusetts Bar Association, Steering Committee, Development and Construction Law Committee
- Rhode Island Bar Association
- Worcester County Bar Association
- Hopkinton Youth Soccer Board, Vice President

Awards & Recognitions

- Named a “Go To Construction Lawyer” by *Massachusetts Lawyers Weekly* (2025)
- Named a Massachusetts “Super Lawyer” by *Boston* magazine and *Law & Politics* (2017-present); Massachusetts “Rising” (2013-2015)

Articles & Speaking Engagements

- “This attorney made partner after creating a lucrative practice area focused on construction law,” ABA Journal, February 25, 2025
- Quoted in “Prompt Pay Act violation voids claim for recoupment”, *Massachusetts Lawyers Weekly*, December 13, 2024
- “Massachusetts Construction Contracts in the Post-Pandemic Environment,” Massachusetts Bar Association webinar (December 4, 2024)
- “Understand Construction Contract Essentials,” Hoffman Education, Inc. (Presenter, May 20, 2024)
- “Solving Problems During the Construction Process: A Webinar for MA Building Professionals,” Hoffman Education, Inc. (June 25, 2024)
- “Adding Focus to the Blurry Line: On-the-Job Challenges that arise

with Design-Build, Design Assistance, and Shop Drawing Construction,” organizer, ABA Forum (October 24, 2024)

- “Construction Law, Contracts & Collections,” Electrical Wholesalers, Inc. annual kickoff tradeshow, (September 7, 2023)
- Quoted in “In Rare Decision, Judge Dissolves Lien in Construction Case,” *Massachusetts Lawyers Weekly*, February 9, 2023
- “Pay-if-Paid: A Discussion & Jurisdictional Survey of Contingent Payment Clauses,” American Bar Association Forum on Construction Law (September 2022) (moderator and panelist)
- Quoted in “The Dotted Line: Recession fears spur uptick in terminations for convenience,” *Construction Dive*, August 30, 2022
- Quoted in “The Dotted Line: Supply chain woes lead to possible breach, defect claims,” *Construction Dive*, November 30, 2021
- “Legal Issues for Builders, Remodelers, and Contractors,” Home Builders & Remodelers Association (October 2021) (presenter)
- “Construction Law Essentials,” ABA Forum on Construction Law 2021 Regional Program (September 2021) (Boston site coordinator)
- “Managing Construction with AIA Document A201: General Conditions,” HalfMoon Education, Inc. Webinar (July 2021) (presenter)
- Quoted in “Judge Strictly Construes Prompt Payment Act,” *Massachusetts Lawyers Weekly*, December 10, 2020
- “Understanding the Primary AIA Contract Documents,” HalfMoon Education, Inc. Webinar (July 21, 2020) (presenter)
- Quoted in “Hurting, contractors are implementing coronavirus measures to protect their clients and themselves,” *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 Industry](#),” *On Air with Mirick O’Connell* legal podcast (April 23, 2020)
- “COVID-19 Town Hall Webinar,” American Bar Association Forum on Construction Law (April 2020) (moderator)
- “Managing Engineering Liability and Risk,” HalfMoon Education, Inc. (March 2020) (panelist)

- [“The Impact of Coronavirus on the Construction Industry,”](#) Mirick O’Connell Client Alert, March 18, 2020
- “Legal Issues for Builders, Remodelers and Contractors,” Home Builders & Remodelers Association (August 2019) (panelist)
- “AIA Contract Workshop” HalfMoon Education, Inc. (July 2019)
- “Revitalization of Worcester: An Insider’s View of the CitySquare Project,” Massachusetts Bar Association (June 2019) (moderator, presenter)
- “Construction Risk Management,” Home Builders & Remodelers Association (April 2019) (presenter)
- “Mind the Gap: Avoiding Design Delegation Dangers,” American Bar Association webinar (September 2018) (panelist)
- “Construction Law Fundamentals,” Home Builders & Remodelers Association (August 2018) (presenter)
- “Legal Issues for Builders, Remodelers and Contractors,” Home Builders & Remodelers Association (March 2018) (presenter)
- “Warranties, Guarantees, Decennial Liability, and Statutes of Limitation & Repose,” American Bar Association Forum Midwinter National Meeting (January 2018)
- “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
- “Construction Contracts and Risk Management,” Massachusetts Department of Housing and Community Development (September 2017)
- “Construction Contract Workshop,” HalfMoon Education, Inc. (April 2017)
- 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)
- “Pretrial Procedures” *Massachusetts District Court Civil Procedure Manual*, MCLE, October 2016

- “Examining Legal Issues and Disputes,” HalfMoon Education, Inc. (May 2016)