

## About Donovan Hatem

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## > **ABOUT THE FIRM**

Founded in 2001, Donovan Hatem LLP combines discipline with strategy in its approach to the law and offers focused, responsive and quality service designed to help clients succeed. With offices in Boston and New York, the firm is comprised of more than 50 litigation and general business attorneys serving a diverse clientele of public and private companies, nonprofit organizations, government entities and individuals.

The practice groups at Donovan Hatem encompass:

- Business Litigation
- Corporate Law
- Employment Practices
- Environmental Practices
- Fiduciary Litigation
- Government Relations
- Insurance & Tort Litigation
- Professional Practices
- Real Estate

Our clients rely on our experience and expertise, on a range of personal, professional liability and business issues, for focused advice and counsel that can minimize risk and exposure. Committed to the principles that Donovan Hatem was founded on, our attorneys provide dedicated legal services to our diverse client base—services delivered in a responsive manner with a strategic understanding of our clients' businesses.

## > BUSINESS LITIGATION

**The seasoned trial attorneys in the Business Litigation Group at Donovan Hatem work closely with their clients—cultivating a thorough understanding of their clients’ businesses—to achieve the best possible outcome when disputes arise.**

Our Business Litigation Group offers invaluable expertise in recognizing when settlement would be preferable to trial, and when the client would be better served by resolving a dispute in court. When trials are necessary, the Group delivers with a team of litigators with decades of trial experience in state and federal courts, as well as state and federal regulatory agencies. The Business Litigation Group has successfully handled a wide range of matters, from nuisance claims to serious disagreements, that can threaten the viability of an enterprise.

**Commercial Litigation**—Covering all areas of business disputes including UCC sales and secured transactions, “busted deals,” and various breach of contract actions, securities law claims and disputes, construction litigation, real estate transaction disputes, defense of directors and officers, and compensation and employment issues, including non-compete, nondisclosure and non-solicitation agreements, as well as employee duty of loyalty claims.

**Family-Owned and Closely-Held Corporations**—Representing parties in shareholder, contract and business disputes, including actions involving the rights of partners and minority shareholders, accounting for profits, fiduciary duty claims, and freeze-out actions.

**Financial Institution Litigation**—Representing banks, mortgage companies, credit unions, and credit card issuers in matters involving compliance with state and federal lending laws, including consumer credit class action litigation, fair credit reporting, fair debt collection, RESPA compliance, unfair acts/practices, truth in lending, financial privacy and other commercial disputes.

**Intellectual Property**—Representing clients in actions involving intellectual property rights with emphasis on trade dress, trade secret, copyright and trademark cases.

**Real Estate Litigation**—Representing property owners and developers, including several national Real Estate Investment Trusts (REITs) concerning commercial real estate and shopping mall issues and disputes of all types.

**Securities Broker-Dealer Litigation and Arbitration**—Handling all aspects of securities industry claims, including litigation in state and federal courts. Experience includes claims involving unauthorized trading, suitability, market-timing, churning or excessive trading, and disputes involving discretionary and non-discretionary accounts.

**White Collar/Criminal Litigation**—Defending individuals in criminal and civil trials and appeals, and representing witnesses before federal and state grand juries. Handling white collar crime matters, including economic crimes, health care overbilling and receivables claims, tax fraud, and securities fraud.

## > **CORPORATE LAW**

### **Donovan Hatem LLP's Corporate Law Group serves clients at all stages of the business lifecycle.**

The Donovan Hatem Corporate Law Group principally focuses on representing start-up, emerging growth and middle market companies in several industry sectors including the architectural, design and engineering services, biotechnology, computer software and services, and defense industries. Our expertise includes the structuring, negotiation and documentation of transactions at each stage of a company's growth cycle.

In our representation of start-up companies, the Corporate Law Group frequently advises the founders of start-ups with respect to: (i) entity selection; (ii) corporate governance matters, such as agreements among stockholders of a corporation and agreements among members of a limited liability company; (iii) corporate finance matters, such as venture capital and other private equity financing; (iv) forms of standard commercial agreements for use in the company's business; (v) employment matters, such as employment agreements and employee policies and procedures manuals; (vi) commercial finance matters, such as secured bank credit facilities and (vii) regulatory compliance. Often our relationship expands to include the role of business advisor to the start-up company. Also, during this start-up stage, the Corporate Law Group will often introduce the company's founders to our Trusts and Estates Group for maximization of their estate planning with respect to their ownership interest in their start-up company.

With respect to our representation of emerging growth companies, the Corporate Law Group advises companies regarding corporate governance, corporate finance, employment and commercial finance matters. Additionally, at this stage of a company's growth cycle, our Corporate Law Group is often asked to provide counsel regarding: (i) technology matters, such as technology development, protection and licensing; (ii) commercial expansion matters, such as joint ventures, strategic alliances and distributorships; (iii) additional investments of venture capital and private equity and (iv) executive and other employee compensation plans, including equity participation plans. As the company expands, our Corporate Law Group will often work with Donovan Hatem's Commercial Real Estate Group to advise a company regarding the lease, purchase or construction of office space and related financing.

As the emerging growth company matures into a middle market company, the Corporate Law Group provides counsel regarding: (i) mergers and acquisitions, including stock and asset transactions as a purchaser and as a seller; (ii) recapitalization transactions; (iii) partial business divestitures and (iv) management succession planning.

The Corporate Law Group brings its experience and expertise to our representation of start-up, emerging growth and middle market companies. The goal of our Corporate Law Group is to assist our clients in accomplishing their business objectives, to inform our clients of the potential risks in corporate transactions and to identify the optimal approach to minimize or remove such risks. We value our relationships with our clients as a legal and business advisor.

## > EMPLOYMENT PRACTICES

**Donovan Hatem LLP's Employment Practices attorneys advise clients on all aspects of the employer-employee relationship, anticipating issues and circumstances that can sour that relationship.**

By stressing a pro-active approach that maximizes risk avoidance, Donovan Hatem's attorneys enable their clients to engage in preventive maintenance when it comes to the overall management of employee relations. This improves the chances that this vital relationship remains positive for all parties and for the common good of the enterprise.

The employer-employee relationship is heavily regulated, requiring familiarity with laws such as the Fair Labor Standards Act, the Wage and Hour Act, and the Family Medical Leave Act. In addition, OSHA regulations, "right to know" laws, and numerous governmental bodies set numerous standards that govern the workplace.

Their fluency on issues of compliance with these myriad state and federal laws and regulations enable Donovan Hatem's attorneys to counsel clients on how to develop best practices when it comes to handling day-to-day workplace events—such as hirings, terminations, separations, transfers, and other inevitable occurrences.

Donovan Hatem can assist in the development of employee manuals, personnel policies, and other guides that are helpful both in avoiding disputes and providing an affirmative defense should disputes arise. The firm can also assist in drafting all manner of agreements and covenants that cover compensation, severance, non-compete and non-disclosure contracts, and other related issues—all designed to protect both the employer and employee when it comes to resolving differences.

While the firm and its clients work hard to head off litigation or formal mediation of disputes, the firm's employment attorneys are adept at representing clients in discrimination, wrongful termination, civil rights, sexual harassment, noncompetition and trade secret, and wage and hour compliance suits. They have represented clients in federal and state courts and before administrative agencies.

Donovan Hatem can provide assistance with executive compensation plans, stock options, deferred compensation arrangements, and retirement plans for executives. The firm can also assist in the administration of employee benefits programs.

## > ENVIRONMENTAL PRACTICES

### **Donovan Hatem LLP's Environmental Law attorneys counsel clients from a multitude of industries in all aspects of environmental law.**

Donovan Hatem's client list is heavily populated with engineers, architects, and other professionals involved with construction, real estate, and other development activities. The nature of these clients' business affairs requires them to be well-advised on a variety of environmental concerns, and this abiding interest has led to Donovan Hatem developing considerable and highly practical expertise in the area of environmental law.

This expertise is valued by Donovan Hatem clients not just in the construction-related professions, but also by real estate developers, investors, and lenders. While these clients play different roles in bringing development projects to completion, they share a common concern over the potentially serious impediments that environmental issues can raise.

Donovan Hatem's environmental law attorneys counsel clients from a multitude of industries in all aspects of environmental law. They are often called upon to prosecute, defend, and mediate environmental claims under the federal Superfund law and its Massachusetts counterpart, Chapter 21E, the Clean Air Act, the Wetlands Protection Act, and several other environmental statutes and regulations.

The firm's attorneys in other practice areas often call upon the environmental law specialists to evaluate and develop strategies concerning the environmental risks involved in corporate and financing transactions. Donovan Hatem provides these clients with the full spectrum of services necessary to bring their projects to fruition, from negotiations with regulators, zoning, permitting, and acquisition, through financing, construction, leasing, and disposition.

The firm's attorneys are also well skilled in the area of brownfields redevelopment. They can address the specialized needs of clients who acquire, develop, or finance contaminated real estate. In doing so, they help clients minimize risk and maximize the return in this highly regulated area.

The group's attorneys combine their knowledge and experience in federal and state cleanup requirements and other environmental laws with their expertise in legal issues related to acquiring, developing, and financing real estate.

## > FIDUCIARY LITIGATION

**The Fiduciary Litigation Group at Donovan Hatem LLP has an overriding commitment to providing our clients with a superior level of responsiveness, counsel and results.**

Our clients are corporate and individual executors, administrators and trustees, individuals, multi-generational families, family business owners, business executives, professionals, beneficiaries, and charitable organizations. We have the sensitivity and foresight to try to resolve issues before they become divisive to families, but also the knowledge and capabilities necessary to advance the interests of our clients in adversarial court proceedings.

The members of the Group have a wide range of experience in all aspects of fiduciary litigation, including but not limited to:

- resolution of contested probate court matters through settlement, mediation, trial, and appeal
- resolution of disputes between shareholders through settlement, mediation, trial, and appeal
- advice and representation in uncontested probate court matters
- probate of wills
- interpretation and reformation of wills and trusts
- administration of estates and trusts including the appointment or removal of fiduciaries and matters pertaining to the allowance or contestation of estate and trust accounts
- fiduciary administration

## > **GOVERNMENT RELATIONS**

**The Government Relations practice at Donovan Hatem LLP assists many clients in their varied relationships and interactions with public entities that range from the federal government to local boards and commissions.**

In addition to representing businesses, institutions, and individuals, the Government Relations Group has advised several municipalities and several states in numerous matters. The firm and its members have also served as Town Counselor and continues to serve as special Town Counsel to several municipalities.

The Government Relations Group has increasingly become involved with a significant percentage of the firm's clients, especially those whose business dealings regularly bring them into contact with government agencies or publicly funded projects. This has included offering counsel on public procurement and contracting for private goods and services, as well as strategic planning for projects that require government licensing, permitting or other approvals.

When necessary, the firm can bring together attorneys from different practices of law, such as litigation, corporate and environmental, to match a particular client's specific needs. This allows the client to receive the appropriate legal expertise while maintaining continuity of service within one law firm.

The Government Relations practice includes attorneys with public sector experience who, while working in the public sector, participated in the drafting and enacting of key legislation, and also played leadership roles in establishing the protocols and processes for enforcement of that legislation. Consequently, the firm possesses an especially keen grasp of the details of particular laws, and also for the processes that public agencies are obligated to follow.

Donovan Hatem's experience includes representing clients with matters pending before the Department of Environmental Protection, Massachusetts Commission Against Discrimination, Alcohol Beverage Control Commission, Department of the Attorney General, State Ethics Commission, and the Department of labor and Industries. The firm also analyzes and interprets new or pending legislation and regulations.

The firm helps clients in diverse businesses, including architecture, engineering, design, and information technology, to prepare proposals or bids to sell goods and services to government entities.

The firm's public clients are municipalities and government agencies who rely on the firm for comprehensive legal advice and services, including litigation. When asked to serve as counsel or special counsel to cities and towns, Donovan Hatem builds teams of attorneys from different areas of the law to serve these municipalities on issues such as land use and zoning, employment and labor, public health and environmental.

## > **INSURANCE & TORT LITIGATION**

### **The Donovan Hatem Insurance & Tort Litigation Group brings a comprehensive scope of general liability litigation experience . . .**

The Donovan Hatem Insurance & Tort Litigation Group brings a comprehensive scope of general liability litigation experience that encompasses liability assessment, contract disputes, coverage and excess exposure, unfair and deceptive acts and practices, settlement negotiation, mediation/arbitration, and trials and appeals in state and federal courts throughout New England. The Group defends businesses, corporations, professional associations, and individuals in complex and often high exposure tort claims involving general negligence, product defects, premises liability, motor vehicle negligence, construction defects and employment torts. Our Insurance & Tort Litigation Group also advises insureds and insurers on assessment of liability, damages exposure, and settlement claims valuation.

The Group's highly experienced and successful trial attorneys serve clients in all manner of civil litigation in state and federal courts, as well as before federal, state, and municipal administrative agencies. The Group's attorneys brief and argue appeals at all levels and are accomplished in alternative dispute resolution, including mediation, arbitration, and summary trials.

A substantial portion of the Group's work is dedicated to serving the insurance industry. The Group's attorneys focus on providing a full range of litigation and advisory expertise to insureds and insurers. The Group also handles insurance regulatory matters on behalf of self-insureds, agents, third-party administrators, and others.

Donovan Hatem LLP's Insurance and Tort Litigation Group represents national and international insurance companies directly in insurance coverage and extra contractual liability cases involving insureds, claimants, or other insurers. The Group's attorneys are prominent leaders in many insurance defense organizations, including C.P.C.U., the American Bar Association, Massachusetts Bar Association, Defense Research Institute, Federation of Insurance and Corporate Counsel, International Defense Attorneys' Association, and Massachusetts Defense Lawyers Association.

#### **The Insurance and Tort Litigation Group areas of practice include:**

- **Insurance Litigation**  
Representing insureds and self-insureds in the defense of general negligence, premises liability, automobile, homeowners and commercial liability claims. Preparing insurance coverage opinions and litigating declaratory judgment actions to resolve coverage disputes. Representing insurers in bad faith, unfair claims settlement practice and consumer protection claims. Representing life and health insurers in benefit and coverage disputes.

*INSURANCE & TORT LITIGATION CONTINUED →*

- **Insurance Regulatory Matters**  
Advising insurance carriers and producers with respect to licensing and other regulatory matters. Representation before the Massachusetts Division of Insurance and other states' insurance departments. Governmental relations.
- **Products Liability**  
Defending domestic and international manufacturers, retailers and distributors of products including: hospital equipment and medical devices, industrial machinery and processes, industrial chemicals, protective clothing, gas products, pharmaceuticals, construction equipment, automotive parts, computers, gas and fire detection devices, household products and asbestos.
- **Construction Litigation**  
Representing the construction industry in the defense of a broad range of actions involving general negligence claims, construction site accidents, contract, insurance coverage, and indemnity issues.
- **Arbitration/Mediation**  
Representing clients before all manner of arbitration and mediation forums to resolve business, contract, insurance coverage and general litigation disputes.
- **Personal Injury**  
Defending against all manner of personal injury, wrongful death, and employment tort claims.

Donovan Hatem LLP also handles cases involving toxic tort, aviation law, fidelity bond disputes, advertising injury, and other general litigation matters

## > PROFESSIONAL PRACTICES

**The Professional Practices Group at Donovan Hatem is widely regarded as one of the nation's finest groups of practitioners providing sophisticated and highly-specialized legal counsel to service professionals.**

The Professional Practices Group at Donovan Hatem consists of more than forty lawyers serving the legal needs of service professionals. Our highly-experienced trial lawyers have represented clients in jury and non-jury cases, in both state and federal courts, in the northeast region and nationwide. With our expertise in professional services, Donovan Hatem offers specialized advice and counsel that minimizes risk and exposure. Before disputes arise, the Group's attorneys provide contract review, transactional, and other business advice. When disputes arise, the Group's attorneys offer pre-claim assistance and legal defense in an effort to resolve matters and avoid a formal lawsuit.

The Group's clients include prominent architects, engineers, and construction managers as well as accountants, lawyers, stock brokers, financial planners and investment advisors, and real estate agents and brokers, all of whom have long relied on the attorneys at Donovan Hatem for comprehensive legal services.

Among Donovan Hatem's broad scope of legal services and capabilities, the Professional Practices Group provides legal assistance with regulatory and professional liability claims, advice concerning professional liability insurance, and representation in fee and contractual disputes with clients.

- The Professional Practices Group provides architects, engineers, surveyors, licensed site professionals, and their firms with risk management advice on contracts, advice on professional registration matters, and representation before Boards of Registration.
- The Professional Practices Group assists accountants with risk management advice, with the drafting and review of contracts and engagement letters, and with expanding their scope of professional services. The Group also represents accountants in Internal Revenue Service-related matters, including assisting them in producing documents and representing them at depositions.
- The Professional Practices Group represents attorneys in litigation involving professional liability claims in state and federal courts, at mediations, arbitrations and other dispute resolution forums and before the Board of Bar Overseers.

> **REAL ESTATE**

**Donovan Hatem LLP's Real Estate Group brings a rich mix of legal expertise and industry acumen to its work on behalf of clients who include individuals, businesses, and financial institutions.**

The firm represents clients on a full range of real estate issues, including land use, zoning, real estate development, acquisitions and sales, environmental matters, commercial lending, commercial loan servicing and commercial leases.

The Real Estate Group is comprised of attorneys with considerable experience representing buyers and sellers, borrowers and lenders, developers and community groups, and tenants and landlords. This well-rounded background allows the Group to bring an informed and balanced perspective to each engagement, and enables them to streamline processes in even the most complex deals and negotiations.

By anticipating potential problems, Donovan Hatem helps its clients avoid the operational inefficiencies of unnecessarily protracted negotiations. The emphasis on producing mutually beneficial outcomes provides both short-term and long-term benefits.

