

INDUSTRY

Professional Services



KEY CONTACTS

Timothy P. Van Dyck
T. 617-757-6536
E. tvandyck@bowditch.com

PARTNERS

Peter F. Cifichiello
Katherine Garrahan
Steven L. Manchel
Peter J. Martin
Julie K. O'Neill
Christopher R. Rock
Timothy P. Van Dyck

OF COUNSEL

Carly Krolak
Randi K. Stempler

ASSOCIATES

Ashley Barnes
Patrick Capodilupo

PARALEGALS

Kristin M. Pavao

OVERVIEW

PROFESSIONAL SERVICES

Architects, engineers, physicians and many other types of professional service providers throughout Massachusetts and elsewhere seek our team's counsel and representation. Professionals turn to us to help resolve difficult disputes and claims wherever they arise, handle sophisticated transactions and implement asset-producing and asset-saving legal strategies.

In addition to architects, engineers and physicians, our clients include real estate professionals, contractors, consultants, banking and financial advisors, lawyers, accountants, dental and veterinary practice groups and advertising and marketing agencies. Our team's core experience – business, real estate, litigation, employment and labor, and estate and tax planning – are well suited to address the wide range of legal needs for professional services individuals, partnerships and organizations.

EXPERIENCE

An appellate win in a professional fee claim

The Massachusetts Appeals Court upheld a Superior Court jury's verdict in favor of our clients against their former attorney for charging an unfair and excessive fee. The appeals court also affirmed the trial judge's award of triple damages and attorney's fees under the [Consumer Protection Act](#), commonly known as chapter 93A. See *Landry v. Haartz*, 83 Mass. App. Ct. 1135.

Advised an out-of-state engineering firm on multi-jurisdiction tax issues

A client headquartered and incorporated outside of Massachusetts recently established an office and registered to do business here as a foreign corporation. Several of the shareholder/employees who would be working here were residents of other New England states. The Bowditch team drafted an advisory for the employer describing payroll tax obligations as well as potential tax reporting and liability issues with respect to each shareholder/employee in each jurisdiction.

Sexual harassment and retaliation resolved against a physician practice group

This client faced sexual harassment claims under Federal and State law brought before the US Federal District Court in Worcester, Mass, alleging 12 separate counts of sexual harassment and retaliation. The

potential liability exceeded \$250,000. As lead counsel, we obtained summary judgment on 11 of the 12 claims and settled the remainder of the case at very reasonable value for the client.

OTHER EXPERIENCE

Real estate

- Outside General Counsel to a Massachusetts-based real estate development company, including labor and employment matters.
- Labor and employment matters for a New England-based real estate management, ownership and development company.

Healthcare professions

- Physician group to recover damages against a former employee for embezzlement.
- Medical group against a former physician/employee claiming breach of employment agreement and breach of fiduciary duty; we obtained complete summary judgment in the arbitration before JAMS.

Architects, engineers

- Architects in negligence claims and suing for copyright claims.
- Multinational engineering firm in negligence and breach of contract claim arising out of remediation of nuclear regulated site.

Financial service providers

- Accounting firms from malpractice claims.
- Mortgage banking and wholesale lending company in enforcing non-competition standards at common law with respect to several agents who went to work for a competitor.
- Major global financial services company in connection with an investigation by state regulatory agencies into client's alleged complicity into health care fraud.
- Mortgage banking and wholesale lending company in claim by a municipality involving a landlord who failed to provide heat for its tenants. Our firm has filed a motion seeking to dismiss claims against our client, which remains pending.
- Financial planning and advising company in a claim by a beneficiary that the company failed to properly change beneficiary designations on certain plans that it held for a decedent, where the plaintiff claimed that she should have gained control of certain accounts disputed by the decedent's ex-wife. Compelled the claimant to settle the case on terms very favorable to the company.
- Mortgage banking and wholesale lending company in an action filed by a property owner claiming adverse possession of a portion of neighboring property for which the company held a mortgage interest. Successfully settled the case with terms very favorable to the company.

Marketing, advertising and general corporate

- National digital marketing company in sales tax audit and employee classification issues and identified appropriate structure to minimize tax burden.
- Investigated and disclosed financial malfeasance by corporate client CFO to IRS and state tax authorities and minimized trust fund penalty assessments; successfully brought claims against CFO and recovered client's costs.
- Investigated a client's allegation of fraudulent invoice and expense practices unraveling widespread

scheme and saving the client hundreds of thousands of dollars annually.

- Multiple generations of client family businesses in coordinating tax and wealth management strategies to benefit future generations.
- Business owners to develop and implement tax efficient succession plans and exit strategies.
- Advised on and assisted in the merger of the 401(k) plan of a newly acquired entity into the 401(k) plan of a client.