



## MARK S. FURMAN

### *Member*

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Mark is Chair of the firm's Litigation Department. He has over thirty years of experience representing business owners, financial institutions, and families in complex civil litigation. Mark's cases have included controversies involving business transactions, disputes between co-owners, employment law, fiduciary and probate disputes, commercial contract claims, director and officer liability, creditors' rights, construction contracts, environmental matters, professional liability, and insurance and bond claims. Mark has extensive experience handling trials, arbitrations and mediations. In addition to handling disputes, Mark advises numerous business clients on a wide variety of legal matters. Mark is also a member of the Firm's Management Committee.

### ***Bar and Court Admissions***

Massachusetts

New Hampshire

United States District Court for the District of Massachusetts

United States Court of Appeals for the First Circuit

### ***Memberships***

Massachusetts Bar Association

New Hampshire Bar Association

Massachusetts Academy of Trial Attorneys

### ***Achievements***

- Named a Massachusetts Super Lawyer by *Boston Magazine*, 2004 thru 2010
- Phi Beta Kappa Honor Society

### ***Education***

B.A., University of Massachusetts at Amherst, *magna cum laude*, 1973

J.D., Boston College Law School, *cum laude*, 1977

### ***Selected Publications and Presentations***

- "Disputes Among Co-Venturers," The Real Estate Bar Association for Massachusetts
- "Selected Ethical Issues in the Representation of Shareholders in Closely-Held Corporations," co-author and lecturer, Massachusetts Continuing Legal Education, Litigating Fraud and Mismanagement Disputes
- "Shareholders Disputes in 'Close' Corporations," Massachusetts Lawyers Weekly

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### *Selected Cases:*

#### **Trust and Estate Litigation**

- represented clients in disputes relating to trust and estate matters, including complaints for instructions, petitions seeking the allowance of accounts, requests for reformation of trusts, and defending claims brought by beneficiaries

#### **Disputes Among Business Owners, Contractual Disputes and Director and Officer Liability**

- defended majority shareholders in suit claiming breach of fiduciary duty and excessive compensation
- defended majority shareholders in suit alleging wrongful termination of employment
- represented co-owner of an LLC in a fraud suit vs. co-owner and manager
- represented the majority shareholder in closely-held corporation in suit by minority shareholder alleging breach of contract and fraud
- defended seller of business in suit by buyer claiming fraud
- represented clients in sale transactions in disputes over earn out provisions
- represented senior officer of public company in class action suit alleging securities fraud
- defended suit against former officer and director of plaintiff corporation who started a competing business where there were claims of breach of fiduciary duty
- represented developers who were trustees of a condominium trust in a suit claiming breach of fiduciary duty
- obtained a \$12 million judgment against the operator of a landfill

#### **Professional Liability**

- defended accounting firm in malpractice claim relating to capitalizing a shareholder loan to the corporation
- defended a law firm which represented a franchisor, in a suit brought by a franchisee

#### **Employment**

- defended claims brought by a senior executive against a company for breach of contract
- defended discrimination and sexual harassment claims in Court and before the Massachusetts Commission Against Discrimination
- represented a tenured law professor who had his tenure revoked by a law school
- obtained an injunction, on behalf of a company, enjoining a departing employee from violating a covenant not to compete

#### **Software Litigation**

- defended software company in claims relating to licensing of software

#### **Environmental and Construction Litigation**

- represented building owner in a claim against a prior owner of the property, alleging that the defendant contaminated the plaintiff's property
- represented construction company in a suit claiming negligent construction

#### **Trademark Litigation**

- defended and prosecuted trademark infringement claims

#### **Banking Related Claims**

- represented creditors in workouts and litigation
- handled lender liability claims
- litigated Uniform Commercial Code cases
- sued senior bank officer for breach of fiduciary duty

#### **Insurance and Bond Claims**

- handled coverage claims
- asserted fidelity bond claims on behalf of banking institutions
- asserted construction bond claim
- handled claim alleging fraud by policy holder in procuring life insurance policy
- handled claim alleging breach of contract and fraud by insurer in connection with the sale of life insurance