



Kenneth B. Walton

Partner, *Chair, Employment Practices Group*

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Experience

Kenneth B. Walton is a Founding Partner of the Boston-based law firm, Donovan Hatem LLP. Ken focuses his practice on the defense of professionals, including architects, engineers, surveyors, stockbrokers, lawyers, financial broker/dealers, directors and officers, insurance agents and real estate brokers. He also represents clients in employment and general liability matters and insurers in coverage disputes. Ken is admitted to the bar and represents clients in Federal and State courts, in both jury and nonjury cases, in Massachusetts, Connecticut, New Hampshire and New York. Ken has handled hundreds of trials, mediations, arbitrations and administrative hearings throughout the country. He also serves as a panel member on medical malpractice tribunals in Suffolk County and as an arbitrator for the American Arbitration Association. Ken has been recognized for his expertise in civil litigation defense work in national and local *Super Lawyers* publications for five consecutive years. After graduating from law school, he served as a law clerk to the Honorable Frank H. Freedman in the U.S. District Court for the District of Massachusetts.

Admitted to Practice

- Massachusetts
- Connecticut
- New Hampshire
- New York
- United States District Court for the District of Massachusetts
- United States District Court for the District of Connecticut
- United States District Court for the District of New Hampshire
- United States Court of Appeals, First Circuit
- United States Supreme Court

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Business and Professional Associations

- American Bar Association
- Boston Bar Association
- Massachusetts Bar Association
- Defense Research Institute

Education

- New England School of Law (*now known as New England Law Boston*) (J.D., 1992, *cum laude*)
 - President of the Student Bar Association
 - Recipient of the New England Scholar Award
 - Recipient of the Dean's Award
 - Recipient of the American Jurisprudence Award
- St. Lawrence University (B.A., Economics, 1989)

Articles / Publications / Presentations

Zealous and Cost Efficient Legal Defense in Insurance Defense Matters, Massachusetts Insurance Division Continuing Education Program, 2011

The Evolution of Wrongful Death and Serious Personal Injury Claims in Construction Litigation, 50th Annual Meeting of Invited Attorneys, 2011

Understanding Ethics for the Design Professional, Continuing Legal Education Seminar for Design Professionals, 2010

Chapter 4: Architect-Engineer Contracting, co-authored with David Hatem and David Corkum, partners with Donovan Hatem LLP. Federal Government Construction Contracts, Editors: Adrian L. Bastianelli III, Andrew D. Ness, Joseph D. West, published by American Bar Association, 2010.

Electronic Discovery: Following the Paperless Trail, ACEC Annual Meeting, 2009 (also published in the *Massachusetts Law Review*)

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The Relevancy Rules, American Jurisprudence, 1997

A Guide to the Federal Rules of Civil Procedure, American Jurisprudence, 1995

Additional Information

- As an indication of an exemplary reputation and well-established practice, Ken has received a BV Peer Review Rating from *Martindale-Hubbell*.

Representative Matters

- Obtained trial victory on behalf of architect in multi-million dollar lawsuit filed by project owner. Owner received nothing on its claim against architect and architect recovered \$2 million on its claim against owner.
- Achieved trial victory on behalf of an attorney sued for legal malpractice. Jury also awarded attorney his unpaid legal fees in amount in excess of \$250,000 on Counterclaim. Successfully affirmed trial victory at the Massachusetts Appeals Court.
- Obtained trial victory in multi-million dollar lawsuit filed against engineering client by business owner. Successfully defended trial victory at Connecticut Appellate Court.
- Obtained summary judgment on behalf of client in \$10 million lawsuit filed by Owner. Successfully affirmed dismissal of the lawsuit at Massachusetts Appeals Court.
- Obtained dismissal of lawsuit filed against employer in wrongful termination employment dispute filed by employee.
- Obtained dismissal of accountant sued by former client in the United States District Court. Successfully affirmed dismissal of the lawsuit at First Circuit Court of Appeals.
- Obtained dismissal of client, on res judicata grounds, in multi-million dollar lawsuit filed by project contractor. Successfully affirmed dismissal of lawsuit at Massachusetts Appeals Court.

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- Obtained no probable cause finding in employment Charge filed at Massachusetts Commission Against Discrimination (MCAD) against employer client resulting in complete dismissal of charge in case arising out of alleged discrimination at public housing project.
- Enforced limitation of liability clause in client contract, via summary judgment motion, capping multi-million claim at \$200,000, leading to successful resolution of the lawsuit.
- Obtained dismissal of lawsuit filed against insurer/client sued in a declaratory judgment lawsuit in New Hampshire.
- Obtained dismissal of lawsuit filed against client arising out of a serious personal injury claim at a restaurant.
- Obtained dismissal of lawsuit filed against client arising out of a personal injury lawsuit at a school in New Hampshire.
- Obtained dismissal of multi-million lawsuit filed against client arising out of large project development.
- Obtained dismissal of subrogation lawsuit filed against client arising out of a shopping mall project. Also, recovered legal fees incurred defending the lawsuit.
- Obtained dismissal of client in lawsuit arising out of serious personal injuries at a traffic intersection.
- Obtained no probable cause finding in employment Charge filed at Massachusetts Commission Against Discrimination (MCAD) against employer client resulting in complete dismissal of charge in case arising out of alleged wrongful termination.
- Obtained dismissal of lawsuit against business owner due to plaintiff's failure to properly serve the defendant with process.
- Obtained arbitration award in favor of client in claim arising out of design and construction of manufacturing facility.
- Obtained dismissal of lawsuit filed against client arising out of golf course project. Successfully affirmed dismissal of lawsuit at Massachusetts Appeals Court.

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- Obtained dismissal of lawsuit against client arising out of design and construction of multi-million dollar residence.
- Obtained dismissal of lawsuit filed against owner of large commercial facility. Successfully defended dismissal of lawsuit at Appeals Court.
- Obtained summary judgment decision in favor of business owner entitling him to defense and indemnity protection in lawsuit filed against business owner.
- Obtained summary judgment in favor of contractor client entitling contractor to a defense and indemnity protection in lawsuit filed against contractor.
- Obtained no probable cause finding in employment Charge filed at Massachusetts Commission Against Discrimination (MCAD) against employer client resulting in complete dismissal of charge in case arising out of alleged wrongful termination.
- Obtained arbitration victory in favor of residential property owner resulting in a complete defense in claim against owner and monetary recovery by owner on cross-claim against claimant.
- Obtained dismissal in \$25 million lawsuit filed against client arising out of University project. (Case is on appeal).
- Obtained affirmation of trial court victory in favor of client at Massachusetts Appeals Court in case arising out of a serious injury at a University Project.
- Obtained dismissal of lawsuit filed against law firm in case arising out of an underlying medical malpractice dispute.
- Obtained arbitration victory on behalf of architect client in claim filed by business owner. Owner recovered nothing on its claim against architect and architect received full recovery on its fee claim against business owner.
- Obtained no probable cause finding in employment Charge filed at the Rhode Island Commission Against Discrimination against employer client resulting in complete dismissal of charge in case arising out of alleged wrongful termination of employee.

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- Obtained dismissal of lawsuit filed against client by project contractor in serious personal injury lawsuit on a construction project. Also, recovered client's legal fees in lawsuit.
- Obtained dismissal of lawsuit filed against client by property owner arising out of flood and wall collapse on shopping mall project.
- Obtained dismissal of multi-million dollar wrongful death lawsuit filed against client. Also, obtained order entitling client to recovery of attorneys' fees and costs.
- Obtained summary judgment order in favor of client entitling client to recovery of legal fees and costs and indemnity protection.
- Obtained dismissal of claim against client in adversary proceeding lawsuit filed against client in bankruptcy court in New Hampshire.
- Obtained dismissal on behalf of client in multi-million dollar personal injury lawsuit filed against client arising out of motor vehicle/intersection accident.
- Obtained no probable cause finding in employment Charge filed at Massachusetts Commission Against Discrimination (MCAD) against employer client resulting in complete dismissal of charge in case arising out of alleged employment discrimination.
- Obtained affirmation of lower court dismissal of lawsuit against doctor/client at the New York Supreme Court/Appellate Division.
- Obtained dismissal of lawsuit filed against client arising out of alleged survey issues on a development project.
- Obtained dismissal of wrongful death lawsuit filed against client arising out of a bridge project.
- Obtained arbitration victory in favor on client on fee claim filed by client against project owner.
- Obtained arbitration ruling in favor of client denying class action certification and negating an attempt to create nationwide class action and multi-million claim.

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- Obtained dismissal of client on first day of trial in wrongful death personal injury action filed against client.
- Obtained no probable cause finding in employment Charge filed at Massachusetts Commission Against Discrimination (MCAD) against employer client resulting in complete dismissal of charge in case arising out of alleged discrimination.
- Obtained trial victory in favor of client on multi-million claim filed by project contractor.
- Achieved a million dollar trial victory on behalf of a plaintiff against a defendant/financial advisor.
- Obtained dismissal of wrongful death lawsuit against client arising out of traffic accident (case is on appeal).