Bernkopf

David W. Merritt

Partner

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Overview

As a Partner at Bernkopf, David helps clients leverage the law to advance their business objectives, with a practice spanning complex business litigation, real estate, and corporate transactions.

A litigator with nearly two decades of experience, David has first chaired bench and jury trials, successfully argued before the Massachusetts Appeals Court and First Circuit Court of Appeals, and in situations where settlement would best serve his clients' business interest, arbitrated and mediated cases in lieu of trial. During this time, David has successfully represented clients in employment disputes, commercial/residential landlord-tenant matters, real estate title litigation, zoning and permitting related litigation, construction disputes, fiduciary duty/corporate litigation, Article 9 litigation, adversary proceedings before the Massachusetts Bankruptcy Court, and employment litigation matters before the Massachusetts Commission Against Discrimination. David also represents financial institutions, mortgage loan servicers, and government-sponsored entities in a wide range of consumer finance litigation, with experience spanning post-foreclosure evictions, wrongful foreclosure, municipal tax lien and condominium/HOA foreclosure matters, receivership, and code enforcement actions.

Drawing on his litigation background, David is able to foresee issues and advise clients on a wide array of corporate and commercial real estate related matters which include commercial lease negotiation/drafting, limited liability company formation/governance, business dissolutions and membership buyouts, and commercial/construction lending.

Outside of his legal practice, David is dedicated to giving back to the community and serves on the Board of Incorporators for the Hockomock Area YMCA. He also volunteers as a guest lecturer for Junior Achievement of Greater Boston and as a youth soccer coach for Sharon Soccer Association.

Matters & Transactions

- Successfully defended a financial institution against mortgage fraud and G.L. c. 93A claims brought by a defaulted borrower
- Successfully defended a construction firm against claims for negligent construction, violation of G.L. c. 142A and G.L. c. 93A, and fraud
- Successfully defended residential mortgage loan servicer against claims for unlawful foreclosure, G.L. c. 93A, and emotional distress
- Obtained Land Court summary judgment decision in favor of a financial institution that affirmed the validity of a prior foreclosure under G.L. c. 240, §§ 6-10
- Successfully represented a member in the buyout of the minority member's interest in a limited liability company
- Obtained dissolution of a mechanics' lien under G.L. c. 254, § 15A on behalf of real estate developer
- After filing litigation to enforce the terms of a commercial lease and guaranty, negotiated lease amendment on behalf of a commercial landlord that included an agreed upon repayment plan and additional security for the landlord in the event of re-default
- Successfully represented the buyer at commercial foreclosure sale against claims by the former-owner challenging validity of sale and the superiority of our client's title to the

PRACTICE AREAS

- Litigation
- Bankruptcy and Creditors' Rights

Credentials

Education

- New England School of Law, J.D.
- Assumption College, B.A., *magna cum laude*

Bar Admission

- Massachusetts
- Maine
- New Hampshire

commercial property at issue

- Successfully represented an investor in a G.L. c. 93A/breach of contract action against out of state real estate investment firm
- Obtained judgment in favor of a commercial landlord following a two-day bench trial that included a six-figure award of damages in favor of the client
- Obtained variance on behalf of a real estate developer from the City of Boston Zoning Board of Appeals
- Successfully represented an employer in a discrimination action filed with the Massachusetts Commission Against Discrimination by a former employee, involving claims of sexual harassment and racial discrimination
- Successfully represented a commercial lender in a $16 million lending deal involving the construction of a hotel

Recognition

Selected as a ***Rising Star*** in *Massachusetts and New England Super Lawyers*, 2016-2022

News

- Eleven Bernkopf Attorneys Recognized on 2022 Massachusetts Super Lawyers® Lists
- David W. Merritt Appointed to the YMCA Board of Incorporators
- David W. Merritt Elevated to Partner
- Three Bernkopf Attorneys Recognized as Rising Stars
- Four Bernkopf Goodman Attorneys Chosen as Rising Stars
- Five Bernkopf Goodman Attorneys Chosen as Rising Stars
- Eleven Bernkopf Goodman LLP attorneys recognized as 2018 Massachusetts Super Lawyers and Rising Stars
- Ten Bernkopf Goodman LLP attorneys recognized as 2017 Massachusetts Super Lawyers and Rising Stars
- Eleven Bernkopf Goodman LLP attorneys recognized as 2016 Massachusetts Super Lawyers and Rising Stars