



Peter B. McGlynn

Partner

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Overview

Peter McGlynn is a trial lawyer and chair of the Trial Department at Bernkopf. During his four-plus decades as a trial lawyer, Peter has tried in excess of 150 cases in over 20 states. Peter has been described by several of his peers as the lawyer's version of St. Jude – the "patron saint of desperate causes and lost causes" – for taking on challenging and allegedly "unwinnable" cases.

During that time period, Peter has tried a number of high stakes, "bet the company," cases – and won. They include two trials in the Delaware Chancery Court concerning a failed \$3 billion real estate development project; defending the principal of a company who was sued by one of the U.S.'s largest general contractors for RICO and other violations; receiving a ground-breaking jury verdict in North Dakota against "big oil"; defending corporate and individual clients in a corporate veil piercing lawsuit brought by a multinational pharmaceutical company; achieving a post-trial settlement for 19 municipal light departments in a Maine utility bankruptcy case relating to the Seabrook Nuclear Power Station; and receiving a \$2.5 million judgment following a jury verdict on behalf of his clients against the former owners of their home for defective and illegal renovation work. Owners, developers, architects, engineers, contractors, and subcontractors rely on his extensive experience with negotiating and drafting construction-related contract documents. During the past few years, for example, he has represented clients in connection with commercial, industrial, and multi-family construction projects along the Eastern Seaboard and Florida valued at over \$2.5 billion.

During the COVID-19 pandemic, Peter has served as a legal advisor to real estate developers, construction users, restaurants, and retail establishments on the impact of COVID-19 related restrictions and moratoria and on potential bases for recovery for COVID-19 damages.

A highly sought-after speaker, Peter regularly presents on litigation, real estate development, construction, bankruptcy and surety law to numerous organizations, including the Boston Society of Civil Engineers, the National Society of Professional Engineers, the Engineering Societies of New England, Massachusetts Continuing Legal Education, New England Law Institute, the Northeast Construction Expo., the Construction SuperConference™, National Academy of Forensic Engineers, the Associated General Contractors, ALI/ABA, Lorman Education Services, Halfmoon Education Inc., Thompson Reuters and the American Bankruptcy Institute.

Passionate about teaching, Peter has lectured on construction law and litigation at Northeastern University, Wentworth Institute of Technology, and the University of Wisconsin. Peter is also the founder of the New England Construction & Real Estate Risk Management Conference™, an annual conference focusing on effective ways to manage risk on construction and real estate development projects.

Peter is a mediator, having completed forty-hours of mediation training in accordance with M.G.L. ch.233 § 23C

PRACTICE AREAS

- Litigation
- Construction and Surety
- Bankruptcy and Creditors' Rights
- COVID-19 Response Team

Credentials

Education

- Suffolk University, J.D., 1975
- University of Massachusetts, B.A., 1971

Bar Admission

Massachusetts, 1975

Court Admissions

- U.S. District Court for the District of Massachusetts, 1976
- U.S. District Court for the District of Connecticut, 1997
- U.S. District Court for the District of North Dakota, 2012
- U.S. Court of Appeals, 1976
- U.S. Court of Appeals for the Third Circuit, 2004

PETER B. MCGLYNN

2022

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Matters & Transactions

- Obtained a multi-million dollar jury verdict in a case involving claims for breach of the implied warranty of habitability, fraud, and unfair and deceptive acts and practices by the former owners of a large multi-million dollar residential property located in suburban Boston, Massachusetts.
- Successfully defended against a lawsuit by a \$40 billion pharmaceutical company seeking to “pierce the corporate veil” of Peter’s clients and their principal stockholder to hold them liable for plaintiff’s claims.
- Successfully represented clients in a lawsuit by a former employer for wrongful competition. Following dismissal of that case, Peter was successful in obtaining a verdict following a lengthy jury trial against the former employer and various individuals in a separate “corporate veil piercing” action.
- Successfully represented a client in obtaining a favorable settlement during the middle of a trial in connection with a wrongful termination/stock redemption case.
- Successfully represented a surety company in a contempt trial against a large bank who assisted its client in wrongfully transferring and encumbering assets following the issuance of an injunction.
- Successfully represented a surety company in defending against a \$3 million damage claim arising out of subcontract work on the Edward Brooke courthouse.
- Successfully represented a plaintiff in a precedent setting land damage case against a large oil company in the U.S. District Court for the District of North Dakota.
- Successfully represented the managing partner in partnership litigation in the Delaware Chancery Court involving a \$3 billion real estate development and construction project.
- Prosecuted delay, acceleration, lost productivity and construction defect claims throughout the United States ranging from \$1 million to \$350 million.
- Successfully prosecuted a breach of contract action against a large utility company for construction of a cogeneration electric power plant. Total recovery: \$8.5 million.
- Successfully defended the principal of a construction subcontractor against an \$8 million lawsuit brought by one of the largest national general contractors in the country for fraud, RICO, and for “piercing the corporate veil.”
- Successfully represented Massachusetts municipal light departments in prosecuting claims against a large rural electric cooperative which had filed for bankruptcy. Following trial, the case was settled for approximately \$25 million.
- Successfully represented a client before the Chancery Court in Tennessee on a \$3 million personal guaranty action brought by a bank and then successfully argued the case on appeal before the Supreme Court.
- Successfully represented a prominent Swiss watch manufacturer in claims for trademark infringement.

Memberships & Activities

Legal Memberships

American Bankruptcy Institute

Professional & Civic Activities

- Fellow, Construction Lawyers Society of America
- Planning Committee, Tina’s Wish, Boston Gathering
- Member, Town of Dover Conservation Commission (1994 – 2010)
- Member, Board of Trustees, St. Thomas More School (2000 – 2010)

News

- Buyer Beware: The Return of Caveat Emptor
- Peter McGlynn Recognized by Chambers USA
- Court Enforces Prompt Pay Act
- Six Bernkopf Attorneys Named to Super Lawyers List
- Bernkopf Attorneys Recognized in 2022 Best Lawyers in America

- Chambers USA Ranks Peter McGlynn in its 2021 Edition
- Litigation Practice Group "Briefing Papers"
- When a Dream Home Becomes a Nightmare
- Latest CARES Act Includes Significant, Albeit Temporary, Provisions to the Bankruptcy Code Affecting Commercial Landlords, Tenants and Suppliers
- Client Alert: Court Orders Owner to Pay its Contractor Over \$4.6 Million for Violations of the Massachusetts Prompt Pay Act
- Six Bernkopf Goodman Attorneys Recognized on the Massachusetts Super Lawyers List
- Seven Bernkopf Goodman attorneys recognized by Best Lawyers of America®
- Peter B. McGlynn, Partner at Bernkopf Goodman LLP, Ranked in 2021 Edition of Chambers USA
- Bankruptcies Are on the Rise in the Wake of the COVID-19 Pandemic: An Industry-By-Industry Assessment
- Carpenters Union Orders All Members to Cease Working Effective April 6, 2020
- Governor Baker Reduces List of Essential Construction-Related Services
- Governor's Order Could Overrule Boston, Cambridge Construction Bans
- U.S. District Court Determines Massachusetts' Statute of Repose Was Triggered Once Entire Multi-Phased Project Was Completed
- Six Bernkopf Goodman Attorneys Recognized on 2019 Massachusetts Super Lawyers List
- A Corporate Veil Remains Unpierced: How an Unwinnable Case Was Won
- Seven Bernkopf Goodman LLP Attorneys Selected for Inclusion in 2020 Best Lawyers in America®
- Eleven Bernkopf Goodman LLP attorneys recognized as 2018 Massachusetts Super Lawyers and Rising Stars
- Four Bernkopf Goodman LLP Attorneys Selected for Inclusion in 2019 Best Lawyers in America® New England Edition
- Peter B. McGlynn Ranked in 2018 Edition of Chambers USA
- Peter B. McGlynn and Robert W. Stetson Selected as Fellows in the Construction Lawyers Society of America
- The American Institute of Architect's Seventh Decennial Construction Documents Revisions and Their Potential Impact on the Construction Industry
- Law firm can countersue ex-client for abuse of process
- Client Alert: McGlynn Wins Large Piercing the Client Veil Case
- Ten Bernkopf Goodman LLP attorneys recognized as 2017 Massachusetts Super Lawyers and Rising Stars
- Four Bernkopf Goodman LLP Attorneys Selected for Inclusion in 2018 Best Lawyers in America®
- Peter B. McGlynn, Partner at Bernkopf Goodman LLP, Ranked in 2017 Edition of Chambers USA
- Eleven Bernkopf Goodman LLP attorneys recognized as 2016 Massachusetts Super Lawyers and Rising Stars
- Peter McGlynn: Super Lawyers
- NAIOP News: Peter B. McGlynn, Partner at Bernkopf Goodman LLP, Ranked in 2016 Edition of Chambers USA
- Peter B. McGlynn, Partner at Bernkopf Goodman LLP, Ranked in 2016 Edition of Chambers USA
- Six Bernkopf Goodman LLP attorneys selected for inclusion in 2014 Massachusetts Super Lawyers and Rising Stars Editions
- Peter McGlynn Selected for Inclusion in 2012 Best Lawyers in America®
- Business Bankruptcies Rise in First Quarter
- Spotlight on Bernkopf Goodman Partner, Peter B. McGlynn
- Chambers USA Ranks Peter McGlynn in its 2021 Edition

Podcasts

- PODCASTS - January 15, 2022 - Legal Judg(e)ments Podcast, Episode 6, Lessons From The Great Molasses Flood Of 1919
- PODCASTS - February 1, 2022 - Legal Judg(e)ments Podcast, Episode 7, Caveat Emptor Roars Back To Life
- IN THE NEWS - September 24, 2021 - Latte With A Lawyer Featuring Peter McGlynn