

David M. Zucker

Associate

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David Zucker is a litigator who handles a range of complex real estate property disputes, general business litigation, landlord/tenant disputes and malpractice allegations.

In his real estate litigation practice, David counsels clients on land use and zoning matters, including the establishment and protection of land owner rights and property rights. David also has in-depth experience handling real estate leasing matters, including tenant terminations within the retail industry. He deals with easement disputes and all kinds of landlord/tenant disputes involving commercial properties as well.

David works with retailers, business owners, landlords, tenants, governing bodies and commercial property owners.

He also helps professionals resolve allegations of wrong-doing as a malpractice litigator. He often helps lawyers and law firms to resolve or defend against legal malpractice claims.

Prior to joining the firm, David worked at the United States Attorney's office in Washington D.C. as a law clerk in the General Crimes Section, Felony Trial Unit. His experience includes administering the strategic planning process for St. Louis' Regional Business Council.

David has also worked for numerous political candidates, including some who have sought to serve or have served as President, U.S. Senator or U.S. Representative.

Affiliations

- Discovering Justice/Legal Apprenticeship Program
- BBA Landlord/Tenant Lawyer for the Day Program
- Melanoma Foundation of New England, Team Running for Cover

Admissions

- Massachusetts

Education

- Harvard Law School (J.D., *cum laude*, 2012)
- Washington University in St. Louis (B.A., *with honors*, 2007)

Commitment to Community

David is deeply committed to serving the communities in which he lives and works, and does so through pro bono legal representation.

David assisted the nonprofit organization, *The Parenting Journey*, in litigation over easement rights.

He also provides pro bono assistance through *Greater Boston Legal Services* (GBLS). He recently assisted a group of tenants who were relocated from their homes due to an unexpected construction disaster.

David also provides his legal talents to others through the firm's *Citizens Schools* initiative, providing legal education to Boston-area low-income middle school students.

His dedication to helping others reaches across country borders as well. He has worked on behalf of the *International Senior Lawyers Project* in Myanmar, donating his time and talent to assist the nonprofit in an effort to establish a formal objection to a destructive road construction project based on a range of humanitarian offenses.

Additionally, David is active in *IRAP*, where he helps refugees use the Freedom of Information Act to establish refugee status within the United States.

Representative Matters

Defense of Trustees in an Action for Breach of Fiduciary Duty and Removal

A beneficiary sought the removal of two trustees of a Massachusetts Business Trust, alleging that the trustees had acted beyond their authority and breached their duties in carrying out a number of complicated transactions designed to place a conservation easement on family-owned land and exchange various parcels of land among several trusts. At trial, the Court found that the trustees had not breached their duties and awarded fees and costs to the trustees. The Appeals Court determined that the trustees had authority under the trust to effectuate the transactions at issue and affirmed the trial court's determination that no breach of fiduciary duty occurred.

Defense of Canada's Largest Wireless Communications Company

Defended Rogers Communications, Canada's largest wireless communications company, in an action seeking damages and injunctive relief for alleged misappropriation of trade secrets and breach of contract in connection with unsuccessful negotiations to license the plaintiff's wireless

technology. The case was dismissed based on the successful invocation of a contractual forum selection clause.

Breach of Contract Dispute Regarding Restaurant Build-Out

Representation of a real estate development company in a dispute with a former tenant regarding a breach of contract concerning a restaurant build-out in an enclosed mall.

Business Litigation on Behalf of Biotech Owner

Representation of a former biotech business owner in connection with a suit brought by the company's Board of Directors.

Multiple Tenant Termination Notices

Handled over 30 tenant termination notices in connection with an enclosed mall redevelopment project in Massachusetts at the Meadow Glen Mall.

Land Protection and Easement Agreements

Representation of a private trust in connection with land protection and related easement agreements.

Protecting and Preserving Shoreline Property

Representation of a not-for-profit in connection with protecting and preserving shoreline property.

Audits of Commercial Common-Area Maintenance Charges

Handling audits of commercial common-area maintenance charges and related confidentiality matters for a real estate development company.

Special Permit Challenge for ADA Non-Compliance

Challenged a special permit based on ADA noncompliance issues on a historic preservation property.

Publications

December 20, 2017

Massachusetts Appeals Court Clarifies When Restrictive Covenants May Extend Beyond Thirty Years

November 2, 2017

Town of Chelmsford, et al. v. Newport Materials, LLC, et al

November 2017

November 2, 2017

Trustees of Cambridge Point Condominium Trust v. Cambridge Point, LLC

November 2017

October 6, 2017

Superior Court Upholds ZBA's Order that the Town of Falmouth Cease and Desist the Operation of Two Wind Turbines

October 2, 2017

Land Court Upholds Board of Zoning Appeal

July 27, 2017

Appeals Court Confirms That a Government Building Has the Status of a Pre-Existing Nonconforming Structure When Transferred to a Private Party

June 29, 2017

Massachusetts Courts Issue Key Decisions Concerning Zoning and Anti-SLAPP Law

March 28, 2017

Important Decision Regarding Pre-Existing Nonconforming Structures

January 30, 2017

New Land Court Rule 14 Seeks to Expedite Cases and Lower Costs