goulston&storrs

Kevin P. O'Flaherty

Of Counsel

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Kevin O'Flaherty is a trial lawyer with significant experience in land use matters and real estate litigation in general. He has also represented clients in various commercial disputes, securities litigation, bankruptcy proceedings, as well as in fiduciary, trust and probate controversies.

He represents real estate developers, public agencies and entities, and commercial corporations, as well as educational, medical and cultural institutions. Kevin also represents individuals, including owners, investors, executives and managers.

Kevin is an experienced trial lawyer who has tried more than 25 cases to judgment. He has also successfully defended the judgments he has won before state and federal appeals courts in Massachusetts and other jurisdictions.

Chambers USA recognizes Kevin as "very good to work with in litigation. He can be tough but can also use humor and humility to his advantage in court interactions." Kevin is a founding member of the firm's retail blog, the Retail Law Advisor.

Accolades

- Best Lawyers in America® (2023-2024): Commercial Litigation, Litigation – Real Estate
- "America's Leading Business Lawyers," Chambers USA
- Massachusetts Super Lawyers, 2006-2021
- Martindale Hubbell Peer Review Rated AV Preeminent ™
- Martindale Hubbell™ Top Rated Lawyer in "Land Use And Zoning," 2013

Affiliations

- Board of Directors, Caritas Communities, Inc. (current)

Admissions

- Massachusetts

Education

- Saint Louis University (A.B., *summa cum laude*, 1976)
- Harvard Law School (J.D., *cum laude*, 1992)

Representative Matters

Won Summary Judgment for Real Estate Investment Joint Venture
Obtained a summary judgment in favor of a joint venture between a private real estate company and a group of investors in defense of permits to develop a large mixed-use property in Cambridge, MA.

Prevailed at State Housing Appeals Committee for Real Estate Development Firm
Prevailed at the State Housing Appeals Committee for a real estate development firm, allowing the client to proceed with developing a large multifamily development.

Obtained Summary Judgement for Multifamily Housing Developer
Representation of a developer of multifamily housing in Brookline, MA in a case where the town and certain abutters sought an injunction to stop the large project. We defeated the injunction and shortly afterward made a motion to dismiss the case which was allowed.

Trial Victory for National Multifamily Developer Overturning Town's Denial of Permits
Representation of a national developer of multifamily housing who was denied a permit to construct a 250-unit multi-family development. After a 4-day administrative hearing at the State Housing Appeals Committee, the Committee overturned the denial and ordered that the municipality grant the permit.

Summary Judgment in Favor of Developer in Comprehensive Permit Case
Obtained summary judgment upholding a comprehensive permit issued to developer of affordable housing project and successfully defended that judgment on appeal in *Standerwick, et al. v. Zoning Board of Appeals of Andover, et al.*, 447 Mass. 20 (2006), identified by Massachusetts Lawyers' Weekly as one of the ten most significant decisions made by the Supreme Judicial Court in 2006.

Real Estate Owners and Developers in Multitude of Appeals, Cases, Matters, and Agreements
Representation of real estate owners and developers in an array of real estate related cases, including commercial landlord/tenant cases, residential subdivision appeals, wetland appeals, MEPA Appeals, Chapter 91 Appeals, Conservation Commission appeals, adverse possession cases, matters involving easements and servitudes, and disputes related to real estate purchase and sale agreements.

Boston Redevelopment Authority in Several Eminent Domain Matters Related to Boston Convention and Exhibition Center
Representation of the Boston Redevelopment Authority in several eminent domain matters related to the Boston Convention and Exhibition Center, and obtained jury verdicts favorable to the authority.

Massachusetts Bay Transportation Authority in Commuter Rail Development
Representation of the Massachusetts Bay Transportation Authority in eminent domain matters related to the MBTA's takings for a new commuter rail line.

Representation of Caritas Communities on 47-unit Affordable Housing Development
Representation of Caritas Communities and its joint venture partner South Boston Neighborhood Development Corporation in the development of a 47-unit affordable housing development in South Boston, which will provide much needed housing for seniors.

Won Summary Judgment For Developer of the former Edward Sullivan Courthouse
Obtained summary judgment and defended the judgment on appeal clearing the way for our client to proceed with a mixed-use redevelopment of the former Edward Sullivan Courthouse in East Cambridge.

Pro Bono

Kevin serves on the Board of Directors for the Caritas Communities, Inc. Caritas Communities is the largest provider of low-income, single room occupancy permanent housing in Massachusetts.

A member of the board for 10 years, Kevin has already completed a two-year term as the Board's President. He continues on the board, and in that capacity helps guide, direct and support the Caritas mission.

Kevin is joined by other Goulston & Storrs attorneys in providing pro bono legal services to Caritas Communities.