



Kenneth E. Rubinstein

Director

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Ken practices in the firm's Boston, Massachusetts and Concord, New Hampshire offices and co-chairs the firm's Construction Law group. For more than 20 years, Ken has represented developers, owners, lenders, architects, engineers, general contractors, construction managers, specialty contractors, subcontractors, material suppliers, sureties, and insurers in negotiating contracts and resolving disputes involving public and private construction projects.

Ken has assisted clients in matters involving hospital, governmental, multi-family, condominium, retail, restaurants, hotels, office, low income housing, parking garage, museum, laboratory and biotech, automation, public and private school K-12, university, athletic fields and buildings, power, wastewater, environmental remediation, and other projects. Ken is a member of the American Arbitration Association's panel of construction arbitrators and an adjunct professor at Boston University School of Law. Prior to becoming a construction attorney, Ken worked for his family's Manhattan, NY construction management and cost estimating firm, and for "Big 6" accounting firm, Arthur Andersen.

Ken obtained a bachelor of arts from the University of Rochester, where he was captain of the Rugby Team, and obtained a certificate of business management from the Simon School of Business. Ken obtained his juris doctorate from Boston University School of Law, and completed Harvard University's "Advanced Negotiation Skills" course.

Admissions

- Massachusetts
- New Hampshire

Education

- Boston University School of Law (J.D., 1998)
- University of Rochester (B.A., 1995)
- Simon School of Business
 - Certificate of Business Management

Professional Activities

Services

- [Construction Law](#)
- [Litigation](#)
- [Professional Liability](#)
- [Real Estate and Finance](#)
- [Warehouse Management and Material Handling](#)

Ken is a member of the American Arbitration Association's Panel of Construction Arbitrators and was one of the founding co-chairs of the Construction Law Committee of the Massachusetts Bar Association. Additionally, Ken is the co-chair of the Boston Bar Association Construction Law Committee, and the chair of the programming committee for the Associated General Contractors of Massachusetts. Ken is also a member of the Massachusetts Bar Association Civil Litigation Section Council, the Boston University School of Law Alumni Executive Committee, the adjunct faculty at the Boston University School of Law, and the programming committee for the Associated Builders & Contractors of New Hampshire and Vermont. Ken assisted the Associated General Contractors of New Hampshire in drafting and supporting the organization's proposed legislation to overhaul New Hampshire's mechanics lien law.

Ken has chaired or presented programs for the ENR Risk & Compliance Summit, the Construction SuperConference, the American Council of Engineering Companies (Annual Conference and Fall Convention), Build Boston, Architecture Boston Expo, the Professional Liability Underwriting Society (Annual International Conference), the Associated General Contractors of Massachusetts, the Associated General Contractors of New Hampshire, Associated Builders and Contractor of New Hampshire, Massachusetts Bar Association, Suffolk University Law School, National Business Institute, Sterling Educational Services, Half Moon Seminars, and Lorman Seminars.

Honors & Recognition

Ken has received regional and national awards for his work representing construction companies and financial professionals. Ken was named one of the nation's Top 75 Most Influential Professionals in the Collection Industry by *The Collector Magazine* (the official publication of the Association of Credit and Collection Professionals), and has been listed in *SuperLawyers*. Ken has been listed in Best Lawyers in America every year since 2015, including being named "Lawyer of the Year" for Construction Law in 2016.

Earlier in Ken's career, he was selected as one of *Engineering News-Record's* (ENR) Top Construction Professionals Under 40 in New England, and one of 15 "Up & Coming Lawyers" by *Massachusetts Lawyers Weekly*.

Representative Matters

- Represented general contractor in complex multi-party dispute regarding school construction
- Represented subcontractor in presenting \$17M bond claim and prevailing on subsequent dispute
- Represented specialty contractor in \$10M multi-party dispute in Canada
- Represented engineer in \$20M dispute arising from EPC contract for the construction of a combined cycle power plant
- Represented construction manager in \$30M multi-party dispute over environmental remediation
- Represented leading specialty contractor in negotiation of over \$350M in construction and services contracts
- Represented construction manager in multi-party dispute concerning renovation of a water treatment facility
- Represented consortium led by major regional engineering company in presenting bid protest of design-build project
- Represented design-build contractor in dispute concerning installation of complex mechanical system
- Represented construction manager in \$10M cost overrun and defective work

dispute with owner over construction of luxury home

- Represented owner in presenting lengthy delay claim against contractor of luxury home
- Represented owner in multi-party dispute with both contractor and design professional over construction of surgical center
- Represented general contractor in dispute with subcontractor concerning additional costs claim in construction of a secondary school
- Represented design professional subcontractor in procuring \$800K mechanics' lien on university building
- Represented drywall subcontractor in complex delay dispute
- Represented electrical subcontractor in defending against significant preference claims and to protect validity of mechanics' liens
- Represented prominent accounting firm in defending complex litigation involving \$30M deepening insolvency claim
- Represented financial institution in \$5M lender liability action
- Represented multiple owners and contractors in dealing with claims for material escalation following imposition of "Trump Tariffs"
- Represented owner in significant construction defects dispute
- Represented subcontractor in dispute alleging damage to over 80,000 sq. ft. of fiber cement siding
- Represented multiple clients in responding to governmental investigations involving OSHA, Department of Labor, Internal Revenue Service, Federal Bureau of Investigations, Securities and Exchange Commission, Massachusetts Securities Division, and other state and federal agencies
- Regularly represents numerous institutional creditors in enforcement of commercial debts in bankruptcy and workout situations