



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.

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

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

Services

- [Construction Law](#)
- [Litigation](#)
- [Professional Liability](#)
- [Real Estate and Finance](#)

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*.

Publications

September 20, 2021

What if We Just Call It Even?: The Right to Offset Debts from One Project Against Monies Owed on Another

American Bar Association - Under Construction

February 17, 2021

The Role of the Additional Insured

New Hampshire Bar News

December 15, 2020

Massachusetts Superior Court Strictly Enforces Prompt Pay Statute

June 8, 2020

Contractor's Guide to Mitigating Risks in the AIA A201-2017 General Conditions

June 2, 2020

Owner's Guide to Mitigating COVID-19 Risks in the AIA A201-2017 General Conditions

May 7, 2020

Contractor's Guide to Mitigating COVID-19 Risks in the AIA A201-2017 General Conditions

April 1, 2020

Construction Alert: Gov. Baker Clarifies Massachusetts Construction Requirements and Possible Future Impacts for New Hampshire

April 1, 2020

Lien Waivers: Understanding the Risks in a Common Form

Construction Executive

March 27, 2020

NH Gov. Sununu Issues Stay-At-Home Order - Construction Considered Essential Industry

March 4, 2020

The Moving Finish Line: Statutes of Limitation and Repose Are Not Always What They Seem

Construction Executive

February 4, 2020

Litigation and Arbitration Venue Provisions in Construction Contracts: When and How They Work

Construction Executive

January 7, 2020

ConsensusDocs vs. AIA - Which Contract Is Best for Contractors?

Construction Executive

December 5, 2019

Understanding the Contractor's Consent: The Hidden Dangers in a Common Form

Construction Executive

October 25, 2019

Avoid the Pain Points in Trump Tariffs

Engineering News-Record

July 15, 2019

Prefabrication in Practice: Weighing the Advantages Against the Challenges

Constructor Magazine

June 26, 2019

Construction Alert: U.S. Supreme Court Declines to Knock Down Tariffs

Construction Alert

March 17, 2019

Best Practices for Avoiding Cyber-Fraud on Capital Projects

Owners Perspective

March 12, 2019

Hurry Up and Wait: Dealing with Delays When the Project Still Finishes Early

ABA Forum on Construction Law

February 20, 2019

Social Engineering Insurance Vital for Capital Project

New Hampshire Bar News

February 12, 2019

Selecting the Right Project Delivery Method

MEREDA Maine Real Estate Insider

November 13, 2018

How To Make Sure Your Subs Can Finish The Work

Engineering News-Record

October 2, 2018

Construction Alert: Best Practices for Avoiding Cyber-Fraud on Construction Projects

July 9, 2018

Construction Alert: Massachusetts High Court Rules that Contractor Can Pursue Claims Despite Contractor's Own Breach

Construction Alert: Massachusetts SJC Issues Ruling Concerning Termination for Convenience

Preti Flaherty Construction Alert

February 21, 2018

Coverage Constraints: Understanding the Quirks of the "Your Work" Exclusion in Construction CGL Policies

New Hampshire Bar News

February 14, 2018

New Ideas On How to Cope With Lawsuit Discovery

Engineering News-Record

September 20, 2017

How an Owners' Project Manager Can Smooth Collaboration

Engineering News-Record

March 8, 2017

New Hampshire Legislature Rejects Right-to-Work Legislation

Construction Law Alert

December 15, 2016

Recent NH Supreme Court Opinion Changes the Scope of Liability for the Construction Industry

Construction Alert

December 14, 2016

Viewpoint: So Who Is the Designer In Construction Projects, Anyway?

Engineering News-Record

December 14, 2016

Viewpoint: So Who Is the Designer In Construction Projects, Anyway?

Engineering News-Record

March 15, 2016

Time Does Not Run Against the King — But What About The Prince? When Municipalities Can Assert Nullum Tempus

Under Construction, Vol 17. No 4.

September 3, 2015

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

News

August 18, 2022

46 Preti Flaherty Attorneys Selected by Peers for Inclusion in Best Lawyers in America 2023, Including 6 “Lawyers of the Year”

June 1, 2022

Sixteen Preti Flaherty Attorneys Selected as Chambers USA Leaders in Their Field

August 19, 2021

46 Preti Flaherty Attorneys Selected by Peers for Inclusion in Best Lawyers in America 2022, Including 3 “Lawyers of the Year”

August 20, 2020

46 Preti Flaherty Attorneys Selected by Peers for Inclusion in Best Lawyers in America 2021, Including 4 “Lawyers of the Year”

August 15, 2019

45 Preti Flaherty Attorneys Selected by Peers for Inclusion in Best Lawyers in America 2020, Including 3 “Lawyers of the Year”

August 15, 2018

45 Preti Flaherty Attorneys Selected by Peers for Inclusion in Best Lawyers in America 2019, Including 3 “Lawyers of the Year”

November 17, 2017

Preti Flaherty’s Kenneth Rubinstein named co-chair of Boston Bar Association committee

August 15, 2017

41 Preti Flaherty Attorneys Selected by Peers for Inclusion in Best Lawyers in America 2018

December 15, 2016

Preti Flaherty Attorneys Secure Significant Win for NH Construction Industry

August 15, 2016

36 Preti Flaherty Attorneys Selected by Peers for Inclusion in Best Lawyers in America 2017

March 15, 2016

Ken Rubinstein & Laura Rideout Author ABA Article on Municipalities Asserting Nullum Tempus

August 17, 2015

35 Attorneys Selected by Peers for Inclusion in The Best Lawyers in America® 2016

April 1, 2015

Ken Rubinstein Named Construction Law Lecturer at the Boston University School of Law

August 22, 2014

35 Preti Flaherty Attorneys Named to Best Lawyers 2015

April 28, 2014

Preti Attorneys Contribute to MCLE New England Book

November 1, 2013

10 Preti Flaherty Attorneys Recognized by New England Super Lawyers

February 4, 2013

Kenneth Rubinstein Honored as One of ENR's Top Construction Professionals Under 40

October 2, 2012

Attorney Ken Rubinstein Selected to Serve as Editor of Book Published by MCLE New England

March 30, 2012

Ken Rubinstein Quoted in ENR on Controlling Personal Liability for Construction Executives

February 28, 2012

Ken Rubinstein Quoted in ENR on Controlling E-Discovery Costs in Construction Litigation

December 6, 2011

Attorney Kenneth E. Rubinstein Joins Preti Flaherty

Press Coverage

August 7, 2019

What the FIU Bridge Collapse Says About Peer Review

October 17, 2016

Judge: Designer's One-Sentence Claim Notice Allows Insurer to Deny Coverage

October 13, 2014

When the choice is between innovation or risk