

BANKER & TRADESMAN

THE REAL ESTATE, BANKING AND COMMERCIAL WEEKLY FOR MASSACHUSETTS

ESTABLISHED 1872

Attorney Helps Clients Conquer Challenges With Commitment

By Joe Clements

RECENTLY NAMED THE NEW CHIEF OF HIS Boston law firm's Litigation Department, attorney Daniel J. Goldberg has an intriguing recommendation — "avoid litigation."

"It can be phenomenally expensive," the Ruberto, Israel & Weiner partner explained in an interview last week, while civil cases also often linger for years. As a specialist in construction law focused on helping suppliers and subcontractors get paid, Goldberg said many of his clients cannot afford the time or money endemic of the lawsuit route, making it wise to consider other avenues when trying to resolve a conflict.

"If things need to be litigated, that is what we need to do, and there are many cases on my desk," the Suffolk University Law School alumnus said. "But that does not have to happen, and my advice to clients is to avoid litigation whenever possible." Given the construction industry's penchant for payment disputes, Goldberg noted there is plenty of work even when steering clients down other paths, including alternative dispute resolution, a concept increasingly being encouraged by courts and legal practitioners. A client should also consider future business with the party they are battling, Goldberg added, requiring him to early on assess the nature of the relationship.

"First and foremost, I need to have the best interests of my clients in mind, and that means understanding what their goals and objectives are," said Goldberg. When the courtroom is a required stop, Goldberg stressed he eagerly takes on the challenge full bore. "If you out-prepare the other side and can articulate reasons to justify your position, you will almost always get your point across, and that is something I enjoy," he said, particularly if the legal trail



Daniel J. Goldberg is chairman of the Litigation Department at Ruberto, Israel & Weiner, a Boston law firm.

is in the client's favor. Indeed, Goldberg advised, the key to success in a construction payment conflict usually lies in having the necessary contracts and terms put in place early on in the process.

Whether it be through a payment bond or a so-called mechanics lien, there are protections available to ensure payment for work or materials provided to a project, but the methodology is rigid, Goldberg said. Appropriate notices and documents must be filed within a prescribed time period for the rights to be afforded, and Goldberg said either confusion or a fear of upsetting a project's sponsors often keeps contractors and suppliers from implementing those missives. Since being revised 10 years ago, the Massachusetts mechanics lien law has substantial protections avail-

able to ensure payment, and Goldberg said he strives to get clients to embrace those regulations and file documents as required.

"You have to be paying attention," said Goldberg, who spends about 70 percent of his practice in the construction arena. Payment disputes he has handled run between \$50,000 and \$1 million, he estimated, including an ongoing matter in which his client is suing a Philadelphia shipyard over several telephone poles delivered but not paid for by the owner. The supplier, a Fortune 500 company, appears to be on solid ground, Goldberg said, who estimated the value at about \$175,000.

As chairman of the Litigation Department at Ruberto, Israel & Weiner, Goldberg said his main duties will be ensuring that

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the caseload is spread out evenly amongst the team of approximately 25 attorneys and support personnel. "It's a really professional group," said Goldberg, whose firm is based in Boston's North Station business district.

A Burlington, Vt., native who came to the Hub in the early 1980s after attending college in Virginia, Goldberg has been with Ruberto, Israel & Weiner since 1988. The weight of intricate legal duties he ad-

resses daily are softened by an extensive toy collection, including dozens of Pez candy dispensers that line Goldberg's office bookcases. The barrister lives in Newton with his two children, Jeremy and Julia; the family wonder dog, Audrey, who was rescued from the Dedham Animal Shelter; and Goldberg's wife, Janet Ferreri, herself an attorney who currently is busy acting in local community theater productions.

As for his professional world, Goldberg is striving to help the construction industry gain better understanding of the payment process, having just penned an article entitled "Liens and Bonds: How to Get Paid for What you Sell." Slated to appear in an upcoming trade magazine, the article trumpets Goldberg's message that payment requires vigilance from the outset. "My best advice is to secure your rights," he said. "That is critical." ■

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