

PARTNER

David H. Travers

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OVERVIEW

Dave Travers is a construction and business lawyer, helping owners, design-builders, general contractors, specialty subcontractors, and suppliers with risk mitigation, contract documents, claim assessment, conflict resolution and, if necessary, litigation. Dave has had a strong construction and business litigation practice for years, functioning as an outside general counsel for his clients. “A lot of my clients have been family-owned for generations. They have deep roots in their communities, and their legal strategies need to reflect their history, traditions and values.”

Clients seek Dave’s help with complex litigation on both sides of the docket – beginning with bidding and contracting and continuing throughout the construction process, from claim management to filing or defending mechanic’s liens, preserving bond rights, investigating and resolving construction and design defect cases, contractual disputes and insurance coverage claims. Dave also regularly drafts construction agreements, including contractor/owner, subcontracts and design services agreements.

Practical, business-minded and down-to-earth, Dave favors a direct, cut-to-the-chase approach, quickly evaluating a case and achieving the client’s objectives while paying attention to the importance of long-term business relationships and goals. “Plus, I enjoy and am conversant in the technical, engineering aspects of the construction world, which saves clients time and serves them well when they’re embroiled in payment dispute, design defect or product-liability claims.”

Honors

Since 2012, *New England Super Lawyers* has selected Dave as a “Rising Star” for his construction litigation practice. He was also named an “Up & Coming Lawyer” by *Massachusetts Lawyers Weekly* in 2014. During law school, Dave was an editor of the Suffolk University *Transnational Law Review*. He joined Bowditch in 2016.

Besides work

Dave is refurbishing an old farmhouse. “I’ve spent a lot of my spare time with old doors.” When he’s not re-finishing antique woodwork, Dave spends time with his family hiking, smoking brisket, and skiing.

EXPERIENCE

A mediated success to a subcontractor's claim on an unpaid change order

Dave's client in this case was a subcontractor responsible for a multi-million-dollar panelized exterior of a public building. The owner abandoned plans to build the exterior using pre-fabricated panels and instead elected to proceed with a traditional approach. Dave and his client pursued a claim against the owner in state court for the additional costs associated with field construction as opposed to pre-fabrication. After extensive discovery, the parties were able to resolve their claim in mediation on terms favorable to the client.

Novel use of the state's consumer statute wins award for client

The owner of a local home hired an interior designer to provide a facelift to their property. The work went well initially until the designer stopped working or responding to communications from the homeowner. This was problematic because the owner had advanced considerable sums to the designer in anticipation of the designer buying fixtures and furnishings for the home. "We secured a multiple damages award in state court and got almost all of the furnishings delivered based upon a novel legal argument using a consumer protection statute," Dave explained. "It was the first time the statute had been used in Massachusetts against an interior designer."

A wide breadth of experience

Dave has represented clients – large, small and in between – in dozens of business and construction disputes. For example, Dave successfully prosecuted claims against a subcontractor for default on a multi-million dollar bridge contract. Dave also defended a federal contractor from Miller Act claims brought by one of their subcontractors, achieving a positive result in Federal Court. Another high-stakes claim involved Dave's successful defense of over \$100 million in claims against a design-builder on a public infrastructure project. Aside from handling litigation, Dave often works with clients to avoid long-term disputes by investigating defect claims, managing the claims process during the course of the construction work, and drafting contracts that reflect his experience with the "pain points" on sophisticated projects.

AFFILIATIONS

- Member, Emerging Professionals Committee, Building Owners & Managers Association of Boston
- Member, Programs & Education Committee, Building Owners & Managers Association of Boston
- Member, Associated General Contractors of Massachusetts
- Member, NAIOP Massachusetts Construction/Contracts sub-committee
- Member, Massachusetts Bar Association
- Member, Boston Bar Association

ARTICLES & TALKS

ARTICLES

- "SJC Ruling Brings Law in Line With Industry Practices," Banker & Tradesman, July 9, 2018
- "Recovering on Broken Promises: Prosecuting Claims Against Architects Arising from Promises to Pay for Additional Work," Construction Industry of Massachusetts Construction Journal, Volume 88, December 2009
- "Claims for Lost Profits Given New Life in Termination Context," Construction Industry of Massachusetts Construction Journal, Volume 88, September 2009
- "You Have to Fight for Your Right to Work: The U.S. – Chile Free Trade Agreement and Global Labor Standards," Suffolk

Transnational Law Review, Volume XXIX , Summer 2006

- “Case Summary – Watson v. Boyajian (In re Watson), 403 F.3d 1 (1st Cir. 2005),” Boston Bar Association: Bankruptcy Law Section Newsletter, July 2005
- “Case Summary – In re Shepherds Hill Development Co., LLC, 316 B.R. 406 (1st Cir. BAP 2004),” Boston Bar Association: Bankruptcy Law Section Newsletter, July 2005

TALKS

- “Risk Doctors: Applying Hard-Earned Lessons from Lawyers for Better Construction Project Outcomes,” 2019 Higher Education Real Estate Lawyers (HEREL) Conference, Los Angeles, California, October 18, 2019
- “A Campus Crown Jewel: How to Deliver a Great Facility ,” Bowditch & Dewey, Worcester, Massachusetts, January 2019
- Client Institute 2017 – Improving Design & Construction Projects , Bowditch & Dewey, Waltham/Boston, Massachusetts, March/April 2017

BAR ADMISSIONS

- Massachusetts
- U.S. District Court for the District of Massachusetts
- U.S. Court of Appeals, First Circuit
- U.S. Court of International Trade

EDUCATION

- J.D., Suffolk University Law School
- B.A., University of Wisconsin – Madison