

PARTNER

Joshua A. Lewin

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OVERVIEW

Josh Lewin is a trial and appellate lawyer representing businesses and individuals embroiled in complex business disputes. Josh helps his clients navigate and resolve commercial disagreements and internal business problems in an effort to avoid litigation. When disputes cannot be resolved in this manner, Josh represents his clients vigorously in litigation before the Massachusetts state and federal courts as well as administrative agencies. Josh's extensive litigation experience comprises handling lawsuits from inception through trial and appeal and includes:

- Complex business disputes, including those between commercial entities and among business partners
- Breach of contract, unfair competition and business tort litigation
- Catastrophic injury and wrongful death claims
- Employment claims
- Insurance coverage and regulatory disputes
- Real estate and property ownership and damage claims

Josh represents a wide array of clients, ranging from individuals to closely-held corporations and multi-billion dollar corporations. He represents some of the region's largest utility providers and natural gas and electricity suppliers. Through trial, arbitration, mediation and negotiations, Josh has achieved positive outcomes for his clients in a variety of different cases.

"My approach," notes Josh, "is to assess all cases at the outset from both a legal and practical business perspective and devise a strategy best suited to an efficient resolution of whatever problem my client is facing. When appropriate, I will provide aggressive outward representation but I will always provide measured and practical advice to my client. My goal is always to get practical and efficient solutions to difficult problems that achieve my clients' goals."

Before Bowditch

Josh started his legal career as a Law Clerk to the Justices of the Massachusetts Superior Court and then worked as a general civil litigator for a large Boston law firm. In 2010, Josh started his own practice and then moved to another mid-sized Boston law firm, before joining Bowditch.

Besides work

Josh is an accomplished skier and outdoorsman with two small children. “The plan is to get the oldest on skis this winter.”

EXPERIENCE

Trial victory in a claim for negligent construction

In 2014, Josh prevailed in a jury trial in the Massachusetts Superior Court representing one of the region’s largest utility providers in a lawsuit for damages arising out of catastrophic damage caused to an electric transmission line during environmental testing on a construction site. The jury awarded substantial damages to Josh’s client after a multi-day trial involving complex environmental and regulatory issues.

Landmark Victory for Commercial Real Estate Industry

In 2020, Bowditch had a landmark win for the commercial real estate industry on behalf of Eversource Energy. The Supreme Judicial Court (SJC) of Massachusetts [unanimously affirmed the Land Court’s dismissal in Sudbury v. MBTA](#), holding that the prior public use doctrine is inapplicable when land owned by a public entity is conveyed to a private entity for a different use.

The Town of Sudbury tried to use the “prior public use” doctrine to block a deal between NSTAR Electric Co. (Eversource Energy), Massachusetts Department of Conservation and Recreation, and the MBTA to develop an unused rail corridor with subsurface electric transmission lines and an aboveground finished ‘rail trail’ (an extension of the Mass Central Rail Trail). Had the Town of Sudbury prevailed in its claim that the prior public use doctrine could be used to block public-private partnerships for the development and repurposing of publicly owned property, it would have had a major impact on the ability of any developer in the Commonwealth to acquire property or even property rights (like an easement) from municipalities or state agencies. Municipalities and state agencies would have been hamstrung in their ability to sell unused public property and buildings or develop those properties for things like affordable housing. The Supreme Judicial Court agreed with the arguments made by Bowditch on behalf of Eversource and ruled that the doctrine could not be used to block the deal between the two companies.

Massachusetts Lawyers Weekly quoted Josh Lewin, who represented Eversource Energy, about the case in the article, “[Town can’t block power lines under unused rail trail.](#)”

Trial and appellate victories in a consumer claim

In 2009, Josh successfully defended consumer claims in federal district court under the federal Fair Credit Reporting Act and Fair Debt Collection Practices Act, prevailing on appeal before the U.S. Court of Appeals for the First Circuit in a case which decided several issues of first impression. See *Chiang v. Verizon New England Inc.*, 595 F. 3d 26 (First Cir. 2010).

An appellate win in a professional fee claim

The Massachusetts Appeals Court upheld a Superior Court jury’s verdict in 2013 in favor of Josh’s clients against their former attorney for charging an unfair and excessive fee. The appeals court also affirmed the trial judge’s award of triple damages and attorney’s fees under the Consumer Protection Act (chapter 93A). See *Landry v. Haartz*, 83 Mass. App. Ct. 1135 (2013).

AFFILIATIONS

- Massachusetts “Rising Star” in the area of General Litigation, Boston Magazine, 2007 and 2009
- *Massachusetts Lawyers Weekly*, 20 “Up and Coming” lawyers, 2010
- Appointed to Civil Litigation Section Council, Massachusetts Bar Association (2022 – 2023)

- Member, Boston Bar Association
- Volunteer, Big Brothers of Massachusetts Bay
- Finalist, 2006 Big Brother of the Year, Big Brothers of Massachusetts Bay

PREVIOUS

- Law Clerk to the Justices of the Massachusetts Superior Court, 2003-2004
- Special Assistant District Attorney for Suffolk County, 2009, prosecuting white collar criminal cases for the Special Prosecutions Bureau on a pro bono basis

ARTICLES & TALKS

TALKS

- “[Litigating Business Torts](#),” Massachusetts Bar Association, Boston, Massachusetts, October 23, 2019

BAR ADMISSIONS

- Massachusetts
- United States District Court for the District of Massachusetts
- United States Court of Appeals for the First Circuit

EDUCATION

- J.D., *cum laude*, Boston College Law School
- B.A., *summa cum laude*, Boston College