

# Harvey Weiner

## Senior Counsel

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### Practices

Business Litigation  
Insurance Coverage and Bad Faith Litigation  
Professional Liability Litigation

### Bar Admissions

Commonwealth of Massachusetts  
United States Court of Appeals for the Federal Circuit  
United States Court of Appeals for the First Circuit  
United States Court of Appeals for the Fourth Circuit  
United States Court of Appeals for the Second Circuit  
United States Court of Appeals for Veterans Claims  
United States Department of Veterans Affairs Accredited Attorney  
United States District Court for the District of Connecticut  
United States District Court for the District of Massachusetts  
United States District Court for the District of Vermont  
United States District Court for the Western District of Michigan  
United States Supreme Court  
United States Tax Court

### Overview

Harvey joined the firm in 1970 and was a partner from 1976 to 2017. He was chairman of the Litigation Department from 1995-2014 and founded the firm's Professional Liability Group. Harvey's general civil litigation practice includes lawyers' professional liability defense, insurance coverage litigation, employment liability defense, directors and officers liability defense, insurance defense, excess insurance, tort and general business litigation. He has extensive litigation and trial (jury and nonjury) experience before federal and state trial and appellate courts and before the Massachusetts Board of Bar Overseers. Additionally, Harvey has qualified and testified as an expert in court proceedings, and has extensive monitoring, arbitration and mediation experience. He is a certified mediator, particularly with regard to veterans.

During his distinguished career, Harvey has:

- handled the defense of over 650 legal malpractice cases and over 200 employment law cases;
- 99 reported opinions;
- examined and rendered coverage opinions on all types of insurance policies for over 40 years; and
- represented over 145 different credit unions from 10 states in over 459 cases.

### Affiliations

- Massachusetts Chapter of the Federal Bar Association
  - President (2017-present)
  - Executive Committee (2011-present)
- Massachusetts Bar Foundation
  - President (2018-present)

**Education**

London School of Economics,  
LL.M., 1968

Columbia Law School, J.D.,  
1967

Harvard College, A.B., *cum  
laude*, 1964

- Oliver Wendell Holmes, Jr. Life Fellow
- IOLTA Grants Reviewer and Grants Committee Chair
- Board of Trustees (2010-present)
- Boston Inn of Court
  - Co-President, (2009-2010)
  - Master (1995-present)
  - Executive Committee (2007-2015)
  - Best Thespian Award (2007, 2013)
- Massachusetts Municipal Lawyers Association
  - President (1984-1985)
  - Executive Committee (1978-1987)
- Supreme Judicial Court appointment, Massachusetts IOLTA Committee, two terms (2011-2017)
- American Law Institute
  - Member (1997-present)
  - Members Consultative Group, Restatement of the Law Governing Lawyers, Restatement of the Law Third of Employment Law, Restatement of the Law of Liability Insurance and Principles of the Law of Aggregate [Class Action] Litigation
- Life Fellow, American Bar Foundation
- Massachusetts Bar Association
  - Veterans' Dial-a-Lawyer Participant (2008-2011)
  - Board of Delegates (1984-1985) (2017-present)
- American Bar Association (1968-present)
  - Member, the National Legal Malpractice Conference and Excess Surplus Lines & Reinsurance Committee (1991-present)
- Member, Boston Bar Association, Professional Liability Section
- Member, Professional Liability Underwriters Society
- Director, New England Woodenware Corporation (1984-present)
- Arbitrator, American Arbitration Association (1984-2000)
- Town Counsel, Millis, Massachusetts (1975-1986)

- Special Town Counsel, Medfield, Plymouth, Wellesley, Somerset, Nahant, and Tewksbury (1976-1986)

### Articles & Seminars

Harvey has had numerous papers published and/or delivered before international, national, state and local bar associations, insurers, and other organizations in the area of legal malpractice, insurance law, and other law topics, including the following over the past several years:

- The Mount Soledad War Memorial Cross Cases, *The Jewish Veteran*, Vol. 69, No. 4 (2015)
- The Ethics of Discovery, National Employment Lawyers Association National Conference (2014)
- A The JWV and Amicus Briefs, *The Jewish Veteran*, Vol. 68, No. 4 (2014)
- Supreme Court Victory for Veterans, *The Jewish Veteran*, Vol. 69, No. 2 (2015)
- The Purported Copyright Violators' Counterattack, *Chapter of the Federal Bar Association Newsletter* (2012)
- Whistleblower Protection Restricted to Public Companies, *Chapter of the Federal Bar Association Newsletter*(2012)
- Pomegranates and Insurance Policy Interpretation, *Chapter of the Federal Bar Association Newsletter*(2011)

### Representative Cases

- *Welch Foods, Inc. v. National Union Fire Insurance Company*, 659 F.3d 181 (1st Cir. 2011)(insurance coverage).
- *Lease America Org. v. Rowe International Corp.*, 2014 WL 1330928 and 94 F. Supp. 3d 85 (D. Mass. 2015)(antitrust).
- *Advanced Technology Corp., Inc. v. Instron, Inc.*, 925 F. Supp. 170 (D. Mass. 2013)(antitrust).
- *Shirokov v. Dunlap, Grubb & Weaver, PLLC*, 2012 WL 1065578, 2013 WL 1223147 and 2014 WL 1271557 (D. Mass.)(intellectual property).
- *Welch Foods, Inc. v. National Union Fire Insurance Company*, 2010 WL 3928704 and 2011 WL 576600 (D. Mass.)(insurance coverage).
- *UnitedHealth Group, Incorporated v. Columbia Casualty Co.*, 2010 WL 317521 and 836 F. Supp. 2d 912 (W. D. Minn. 2011)(insurance coverage).
- *Young v. Hartford Insurance Company*, 2012 WL 911424 (D.N.H.)(insurance coverage).
- *Terebelo v. Greenwood Credit Union*, 2011 U.S. Dist. Lexis 13083 (E.D.N.Y.)(credit reporting act).
- *The Real Estate Bar Association for Massachusetts, Inc. v. National Real Estate Information Services*, 459 Mass. 512 (2011)(amicus)(unauthorized practice of law).
- *Anile v. Liberty Mutual Insurance Company*, 36 N.E. 3d 78, 488 Mass. App. Ct.1102 (2015)(insurance coverage).

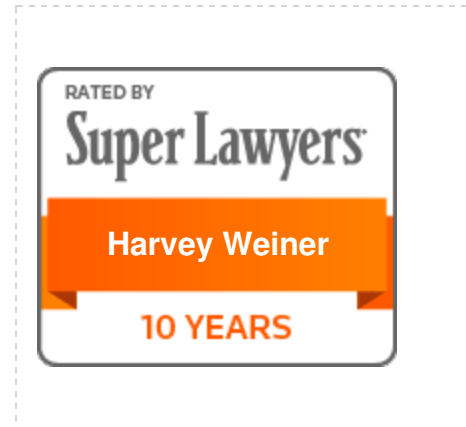
- *Carlyle Investment Management, LLC v. Ace American Ins. Co., et al.* , 131 A.3d 886 (D.C.C.A. 2016) (insurance coverage).
- *In the Matter of Stephen*, 28 Mass. Attorney Disc. R., 463 (2012).
- *In the Matter of Michael E.* , 29 Mass. Attorney Disc. R., \_\_\_\_ (2013).
- *Admonition No. 14-07*, 30 Mass. Attorney Disc. R., \_\_\_\_ (2014).
- *In the Matter of Edmond A.*, 31 Mass. Attorney Disc. R., \_\_\_\_ (2015).
- *In the Matter of Dwight*, 33 Mass. Attorney Disc. R., \_\_\_\_ (2017).

#### Pro Bono Cases

- Represented two Catholic employees who were fired by their dog track employer for refusing to work on Christmas.
- Represented victim in highly publicized domestic abuse criminal matter.
- Represented five legal aid entities for a Supreme Judicial Court amicus brief where there was a risk of reduced IOLTA funding.
- Represented prominent civil rights attorney in his reinstatement to the bar and other attorneys before the Board of Bar Overseers.
- Represented Boston Marathon bombing survivor.
- Represents disabled veteran on benefits claims before the U.S. Court of Appeals for Veterans Claims.

#### **Awards**

- “Boston Insurance Law Lawyer of the Year,” *Best Lawyers in America* (2012)
- *Best Lawyers in America* (2006-present)
- *Super Lawyers* (2004-present)
- Martindale Hubbell, AV (Preeminent) Rating (1988-present)
- Marquis Who’s Who



## Interests

### Teaching

- Special Faculty, Suffolk Law School, 1973-1976 (Business Associations)
- Trial Advisor – Trial Advocacy Course – Harvard Law School (1983-2015)
- Teacher of Law, Massachusetts Bar Association/Boston Latin School Project, 1992
- Guest Lecturer, Boston College Law School, Insurance and Civil Litigation course, 2013
- Teacher of Law, Boston Bar Association Law Day Adopt-A-Classroom, 2016

### Community Affiliations And Activities

- President, Temple Beth Avodah, Newton (1993-1995); Executive Board (1987-2013); Board of Directors (1983-2014)
- Members Council, Jewish Community Relations Council of Greater Boston (2005-present)
- Counselor and Training Assistant, One to One Connection, participant in radio and television commercials, 406 Club, Dana Farber Cancer Institute (1999-present)

**Military Service**

Harvey is a combat veteran of the Vietnam War, where he was an Army Captain and was awarded the Bronze Star (M), among other medals. He is the present National Judge Advocate of the Jewish War Veterans of America, the nation's oldest active veterans' organization and a past Massachusetts Department Commander. He is also General Counsel to the National Museum of American Jewish Military History, in Washington, D.C.

**Other Interests**

Reading, Travel (50 states, 61 countries), Mountain Hiking, Kayaking, Theater (have seen all Shakespeare's plays and participated in all of ShakespeareNow's Sonnet-thons), Acting (11 amateur theatrical productions since 1995), Public Speaking, Article Writing, Independent Films, Opera, Art, Provost (Provost Society of America), Running (three marathons), SCUBA Diving, Minor League Baseball and Boston Professional Sports Teams (have seen a major league baseball game in all 30 major league cities), Married over 50 years, two adult children, two granddogs.