

# Allen N. David

Partner

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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 First Circuit  
United States District Court for  
the District of Massachusetts  
United States Supreme Court

## Education

Boston University, J.D., *cum  
laude*, 1977  
University of Massachusetts,  
B.A., *magna cum laude*, 1974

## Overview

Allen's civil litigation trial practice focuses on the defense of professional liability claims. He represents lawyers and law firms in malpractice and disciplinary cases, as well as accountants, brokers, directors and officers, and other professionals. Professionals faced with a malpractice claim rely on Allen for an efficient and discreet resolution of the claim on the best terms possible. An accomplished and respected trial lawyer, Allen approaches every case as an intellectual challenge. With a reputation for insightful legal analysis, clients turn to Allen for his ability to unravel highly complex issues to determine the most efficient strategy for the resolution of the client's problem. Clients appreciate his composed, focused manner.

Allen also has an active insurance coverage practice, representing insurers in coverage litigation. In addition to his trial experience, Allen has significant appellate experience in both state and federal courts.

From 2011-2016, Allen served as Peabody & Arnold's managing partner.

## Affiliations

- Boston Bar Association
  - Co-Chair, Tort and Insurance Practice Section (2015-2016)
  - Co-Chair, Litigation Section (2014-2015)
  - Co-Chair, Massachusetts Practice Section (2008-2009)
  - Co-Chair, Professional Liability Section (2006-2007)
- American Bar Association
- Massachusetts Bar Association
- International Association of Defense Counsel

- American Board of Trial Advocates

### Articles & Seminars

Allen's articles and book chapters in the areas of legal malpractice, insurance law and financial institution law have appeared in numerous publications, including, most recently:

- *Business Torts in Massachusetts: Legal and Accounting Malpractice* (MCLE, 2d ed. 2016)
- *Superior Court Jury Instructions: Professional Liability* (MCLE, 3d ed. 2015)
- *Superior Court Jury Instructions: Professional Malpractice* (MCLE, 3d ed. 2016)
- *Massachusetts Discovery Practice: Ethical Commentary* (MCLE, 3d ed. 2015)
- "Recent Developments Affecting the Liability of Professionals, Officers, and Directors," 45 Tort, Trial & Ins. L.J. 547 (2010)
- *Massachusetts Expert Witnesses: Professional Liability* (MCLE, 2d ed. 2010)
- "Recent Developments Affecting the Liability of Professionals, Officers, and Directors," 44 Tort, Trial & Ins. L.J. 679 (2009)

### Representative Cases

- *Clark v. Rowe*, 428 Mass. 339 (1998) (established that comparative negligence is a defense to a claim of legal malpractice).
- *McCann v. Davis, Malm & D'Agostine*, 423 Mass. 558 (1996) (established that an attorney's conflict of interest, or other violation of an ethical rule, does not constitute actionable malpractice unless the violation is causally related to the plaintiff's claim).
- *Poly v. Moylan*, 423 Mass. 141 (1996), cert. denied, 519 U.S. 956 (1997) (plaintiff in a legal malpractice case is not entitled to a presumption that a judgment in an underlying case would have been collectible).
- *Krepps v. WolfBlock, LLP*, 78 Mass. App. Ct. 1103 (2010) (legal malpractice).
- *One to One Interactive LLC v. Landrith*, 76 Mass. App. Ct. 142 (2010) (directors and officers liability).
- *Cumis Ins. Soc., Inc. v. BJs Wholesale Club, Inc.*, 455 Mass. 458 (2009) (computer security breach).

### Awards

- Martindale Hubbell AV (Preeminent) Rating
- American Board of Trial Advocates
- Lawyer of the Year for Legal Malpractice Defense, *Best Lawyers in America* (2013, 2017)
- *Best Lawyers in America* (2011-2021)
- *Massachusetts Super Lawyer*



### Interests

- Greater Boston Legal Services: Corporate Member (1992-1998), Board of Directors (1994-1998)
- Board of Bar Overseers: Hearing Committee Member (1994-2000)
- Lecturer: Boston University School of Law (1983-1988)

Allen studied music and piano, a pursuit he took up in his 40s on the assumption that if he didn't do it then, he never would.