

Katherine L. Kenney

Partner

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Practices

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

Education

Suffolk University Law School,
J.D., *cum laude*, 1997

Tufts University, B.A., *Dean's
List*, 1992

University of Salamanca (Spain),
1990-1991

Clerkships

Superior Court of Massachusetts,
Law Clerk to the Justices,
1997-1998

Overview

Katherine is a partner in the firm's Litigation Department and has extensive experience representing professionals, such as attorneys, accountants, engineers, architects and a variety of other design professionals in defense of malpractice claims. She has represented clients in jury and non-jury trials and has been involved in professional liability appellate matters. Katherine employs an aggressive but practical approach to all matters, and her clients rely on her to create and implement an effective resolution plan when defending or avoiding litigation.

Katherine served from 2013 to 2017 as a Hearing Officer for the Board of Bar Overseers of the Supreme Judicial Court. During her tenure as a Hearing Officer, she presided over disciplinary hearings involving numerous ethical issues.

Affiliations

- American Bar Association
- Massachusetts Bar Association
- Boston Bar Association
- Member, SJC Standing Advisory Committee on the Rules of Professional Conduct (2019-present)
- Member, Search Committee for Chief Bar Counsel (2018-2019)
- Board of Bar Overseers, Hearing Committee Member (2013-2017)
- Co-Chair, Professional Liability Section, Boston Bar Association (2016-2018)
- Member, Law Day Steering Committee (2017)
- Member, Professional Ethics Committee, Massachusetts Bar Association (2016-present)
- Section Council, Complex Commercial Litigation Section, Massachusetts Bar Association (2014-2015)

- Volunteer, Monthly Dial-A-Lawyer Program, Massachusetts Bar Association (2013-2016)
- Volunteer, Marathon Bombing Legal Assistance Program, Massachusetts Bar Association (2013)

Articles & Seminars

- Travelers Casualty and Surety Company of America
 - Webinar, *Legal Liability for Design Professionals* – Speaker (March 2024)
- American Bar Association
 - *Ethics: Working with Scientists and Other Non-Lawyer Professionals: Ethical Environmental and Energy Lawyers* – Lecturer (Section of Environment, Energy, and Resources’ Fall Conference – September 2019).
- Massachusetts Bar Association
 - *Piling On: The Modern Lawyer’s Relationship with Data* – Lecturer (April 2016)
 - Seminar on Motions to Dismiss – Lecturer (April 2015)
- Real Estate Bar Association Annual Conference
 - *Managing Clients’ Funds and Avoiding Ethical Problems* – Lecturer (November 2019)
 - *Ethical Issues in Disclosure – Intersection of Duties to Clients and Third Parties* – Lecturer (November 2017)
 - *Understanding the Revised Rules of Professional Conduct* – Lecturer (November 2015)
 - *Understanding Your Professional Liability Policy* (2009)
- Boston Bar Association
 - *Overview of Professional Ethics in Massachusetts and Issues Facing the Legal Profession – World Boston Delegates Program* – Lecturer (May 2018)
 - *Something Old, Something New: A Review of the Revised Rules of Professional Conduct* – Lecturer (May 2015)
 - *Managing Problem Clients* – Lecturer (April 2014)
 - *Thriving in Challenging Times* – Lecturer (June 2010)
 - *Legal Obligations of Insurers and Their Lawyers When Negotiating Claims* (2010)
- Suffolk University Law School, Law Practice Technology & Innovation Institute
 - *Avoiding Common Ethical Pitfalls When Using Social Media* – Lecturer (June 2014)
- Massachusetts Continuing Legal Education
 - *Planning for Coverage of Cases in Case of Death* – Lecturer (September 2024)

- *Understanding Your Lawyers' Professional Liability Insurance Policy* – Lecturer (May 2023)
- *Professional Responsibility & Ethics in Document and Electronic Discovery* – Lecturer (October 2021)
- *Representing a Client with Diminished Capacity* – Lecturer (2011)
- *Estate Planning Basics Plus* – Section on Malpractice Avoidance – Lecturer (2010, 2011, 2012, 2013, 2014)
- National Institute for Trial Advocacy NITA®
 - *Ethical Issues in Trial and Settlement*© – Lecturer (December 2013)
- Law Office Management Assistance Program
 - *Ethical Advertising for Legal Services* – Lecturer (2011)
- CNA Accountants and Lawyers Defense Network (“ALADN”) (October 2010)
 - *A Pound of Cure: Claim Repair in Legal Malpractice Claims*©

Representative Cases

- *Barrow v. Willis, et al.*, 1st Circuit No. 17-1819 (affirming grant of motion to dismiss claims against defendant attorney based on the Fair Housing Act and 42 USC §§ 1981, 1982 and 1983)
- *Linardon v. Birmingham Anadu*, Suffolk Super. Ct. C.A. No. 1684CV00604 (obtained summary judgment in favor of attorney defendant in claim based on an underlying eviction trial, judgment affirmed after rescript)
- *Samra v. Davis*, Worcester Super. Ct C.A. 1885CV00347 (obtained summary judgment in favor of attorney-defendant based on underlying divorce and child custody matter)
- *Gratta v. Howard*, Norfolk Superior Court C.A. No. 2012-01365 (defense verdict in favor of defendant attorney after jury-waived trial on claim of malpractice in handling of underlying jury trial)
- *Minkina v. Frankl, et al.*, Suffolk Super. Ct. C.A. No. 2009-1961, (obtained summary judgment dismissal and fee award in favor of defendant attorney and law firm in case arising out of employment discrimination and retaliation claim; affirmed).
- *Cohen v. Solomon, et al.*, Mass. App. Ct., No. 2012-P-1668, (affirming grant of motion to dismiss claim of conversion against accountant-defendant in a case arising out of claim of mismanagement of trust funds).
- *Overbaugh v. Berkshire Bank, et al.*, 1st Cir., No. 09-1800 (Dec. 16, 2009)(unpublished)(affirming grant of summary judgment in favor of defendant-attorney in a case arising from a commercial banking transaction).
- *In Re: Estate of Barbara I. Dignard*, Worcester Probate Ct., No. 07E-81 (Feb. 23, 2009)(unpublished)(declaratory judgment in favor of defendant-attorney after trial of claims of legal malpractice arising from preparation of estate planning documents).
- *Nolin v. Paolino*, Bristol Super. Ct., No. 03-0054 (Sept. 27, 2006)(defense verdict in favor of defendant-

attorney after jury trial of claims of legal malpractice based on attorney's involvement in a residential real estate purchase with an open cloud on title).

- *Drew, Sr. v. Drew, Jr.*, Norfolk Super. Ct. No. 03-2262 (Oct. 14, 2004)(defense verdict in favor of defendant-attorney after jury trial of claims of legal malpractice based on attorney's estate planning work for plaintiff).

Awards

- "Rising Star," *Super Lawyers* (2008, 2010)



Interests

- Girl Scout Troop Leader, Boston, Massachusetts (2013 – 2017)
- Teach for America, Warrenton, Corps Member Teacher (1992 – 1994)
- Beacon Hill Village, Volunteer (2015 – 2017)