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**PRACTICE AREAS:**

[Construction](#)

[Litigation](#)

**STATE ADMISSIONS:**

Massachusetts

Connecticut

New York

**COURT ADMISSIONS:**

U.S. District Court for the District  
of Massachusetts

U.S. District Court for the District  
of Connecticut

U.S. District Court for the  
Southern District of New York

U.S. Court of Appeals for the First  
Circuit

Supreme Court of the United  
States

**EDUCATION:**

J.D., New England Law, 1991

B.A., Boston College, 1988

## David M. McGlone

### MEMBER

David McGlone is an experienced first chair trial litigator with over 26 years of experience. He handles a broad range of commercial litigation matters with a primary focus on construction law. He practices in all phases of trial work in federal and superior courts as well as in arbitration, assisting clients by developing creative pre-trial remedies and results-oriented trial strategies. David regularly represents clients in acceleration and inefficiency claims, assertion and perfection of mechanic's liens and bond claims, collection, bid protests and claim arbitration, defective plans and specifications claims, AIA drafting contracts, and direct pay claims.

### REPRESENTATIVE MATTERS

- Tried to a jury and defended the subsequent appeal in the Federal Courts of a commercial case where triple damages were obtained for the client. Through the successful defense of the appeal, the case has recently become the bench-mark case on the availability of a Jury Trial Right in the Federal Courts in the First Circuit.
- Obtained summary judgment for owner against subcontractors seeking a lien after material breach by the general contractor.
- Managed termination of general contractor for an owner, leading to advantageous settlement for the client.
- Prosecuted and settled defective plan and specifications claim under the FAR against the federal government.
- Prosecuted direct pay claims against municipalities for subcontractors.
- Represented developers and owners in the negotiation, drafting, and execution of construction contracts.

### PROFESSIONAL AFFILIATIONS

- Boston Bar Association, Real Estate Section
- Massachusetts Bar Association
- American Bar Association, Forum on the Construction Industry
- Construction Industries of Massachusetts, Legislative Review Committee
- Association of General Contractors

- Associated Builders and Contractors

## COMMUNITY INVOLVEMENT

- Town of Middleton Planning Board, Chair
- Middleton Zoning Bylaw Review Committee, Member

## AWARDS AND RECOGNITION

- Selected for inclusion as The Best Lawyers in America 2024 for Construction
- Selected for inclusion in Massachusetts Super Lawyers
- Attained an AV® Preeminent™ rating from Martindale-Hubbell

## NEWS AND INSIGHTS

### PUBLICATIONS

- ["Liquidated damages and force majeure clauses in the COVID-19 pandemic,"](#) Eckert Seamans' Construction Law Update, Fall 2020.
- ["What's New With Construction Contract Standards in Massachusetts,"](#) Construction Business Owner, September 2019.
- ["New construction contract standards in Massachusetts,"](#) Eckert Seamans' Construction Law Update, Spring 2019.
- ["A short history of defective building delivery damages,"](#) Construction Executive's Risk Management, December 7, 2017, and Eckert Seamans' Construction Law Update, Spring 2017.
- ["When pigs fly – the jury in construction claims,"](#) Eckert Seamans' Construction Law Update, Fall 2017.
- ["Women-owned businesses and layers of certifications: Barriers to compliance,"](#) Eckert Seamans' Construction Law Update, Spring 2016.
- ["Federal Bid Protests: The Uncertain Times of Corrective Action,"](#) Eckert Seamans' Construction Law Update, Fall 2015.
- ["Deadline Reminders,"](#) Eckert Seamans' Construction Law Update, Fall 2014.
- ["Private sector construction contract regulations: The state creeps in,"](#) Eckert Seamans' Construction Law Update, Fall 2012.
- Construction Law Litigation Strategies: Leading Lawyers on Analyzing the Basis of a Dispute, Preparing for Trial, and Understanding Construction Laws (Inside the Minds) (Aspatore Books, February 2007).

### MEDIA COVERAGE

- New England Real Estate Journal's Radio Show on Real Estate Law, May 2013

### SPEAKING ENGAGEMENTS

- ["The AIA Owner-Contractor Agreement Webinar,"](#) presenter,

Lorman CLE webinar, June 2022.

- “LORMAN/The AIA Owner-Contractor Agreement Webinar,” presenter, a 90 minute lecture of the American Institute Of Architect's A series of classes contract templates, December 2019.
- “AIA Document A-401” National Teleconference, Lorman Education Services (Boston, Massachusetts), 2007.
- “AIA Contracts” National Teleconference, Lorman Education Services (Boston, Massachusetts), 2006.
- “The Construction Process from Start to Finish,” Lorman Education Services (Boston, Massachusetts), 2006.
- “Comprehensive Construction Law in Massachusetts,” Lorman Education Services (Springfield, Massachusetts), 2006.
- “Construction Delay Claims,” Lorman Education Services (Peabody, Massachusetts), 2006.