

**BOSTON, MASSACHUSETTS**

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**PRACTICE AREAS:**

[Litigation](#)

[Commercial Litigation](#)

[Construction](#)

**STATE ADMISSIONS:**

Massachusetts

District of Columbia

**COURT ADMISSIONS:**

U.S. District Court for the District  
of Massachusetts

U.S. Court of Appeals for the First  
Circuit

U.S. Court of Appeals for the  
Fourth Circuit

**EDUCATION:**

J.D., Georgetown University Law  
Center, 1996

B.A., cum laude, Tufts University,  
1993

## Scott A. Aftuck

### MEMBER

Scott Aftuck has over 20 years of experience handling a wide range of civil litigation matters, appeals, and construction law. He represents clients in federal and state court as well as administrative proceedings, arbitration, and mediation.

Scott advises individual and corporate clients with respect to commercial contracts and agreements, commercial and business disputes, property damage, personal injury, products liability, and complex insurance issues, including coverage and extra-contractual issues. He also provides counsel to public entities, contractors, developers, owners, and sureties on public and private construction projects involved in complex construction disputes, including claims for delays, disruption and acceleration, labor inefficiencies and lost productivity, change orders, and architectural errors and omissions. Additionally, Scott assists clients in drafting construction contracts and in asserting and defending bond claims and mechanic's liens.

### REPRESENTATIVE MATTERS

- Successfully represented general contractor working on multiple public and private projects in Massachusetts in all aspects of litigation and arbitration arising out of the projects. Responded to direct payment claims by subcontractors and defended subcontractor suits on behalf of general contractor and surety, including claims for delays and disruptions and differing site conditions. Developed claims against awarding authorities and owners for failure to grant time extensions, errors and omissions in plans and specifications, delays and disruptions and labor inefficiencies.
- Advised general counsel of a national equipment manufacturer on various legal issues including litigation, the negotiation and drafting of contracts, multistate distributor agreements, settlement and indemnity agreements and multistate insurance coverage issues.
- Represented general contractor in multiparty arbitration/litigation involving state agency, architect and surety arising out of the construction of low-income housing, including an appeal to the Massachusetts Appeals Court on the ability of a surety to participate in an arbitration between the owner and contractor.
- Represented owner in federal district court case relating to the failure of a fuel fill hose on a yacht based upon theories of breach

of contract, breach of warranty, fraudulent concealment and unfair and deceptive trade practices resulting in an advantageous settlement.

- Obtained dismissal of case brought by neighboring landowners against a developer challenging the issuance of a special permit by the town planning board. Successfully argued for the imposition of a bond pending appeal in a case of first impression, resulting in the landowners abandoning their appeal.
- Negotiated a favorable business settlement for client with direct competitor asserting claims for misappropriation of trade secrets, usurpation of corporate opportunities, violation of a non-disclosure agreement and civil conspiracy.

## PROFESSIONAL AFFILIATIONS

- Massachusetts Bar Association, Litigation and Real Estate Section Member
- Boston Bar Association, Litigation and Real Estate Section Member

## AWARDS AND RECOGNITION

- Recognized as a Massachusetts Rising Star by Boston Magazine
- Selected for inclusion in The Boston Globe's 2012 Edition of Boston's Top Rated Lawyers by LexisNexis® Martindale Hubbell®
- Attained an AV® Preeminent™ rating from Martindale-Hubbell

## NEWS AND INSIGHTS

### PUBLICATIONS

- "[Massachusetts Appeals Court strictly construes Prompt Payment Act](#)," Eckert Seamans' Construction Law Update, June 2022.

### SPEAKING ENGAGEMENTS

- "Comprehensive Construction Law in Massachusetts," presenter, Lorman Education Services, 2006.
- "The Construction Process from Start to Finish in Massachusetts," presenter, Lorman Education Service, 2005, 2006.
- "The Fundamentals of Construction Contracts: Understanding the Issues in Massachusetts," presenter, Lorman Education Services, 2005, 2006.
- "AIA Contracts in Massachusetts," presenter, Lorman Education Services, 2005.
- "Differing Site Conditions: Identifying the Risks and Liabilities," presenter, Lorman Education Services, 2002.