



## **Seth M. Pasakarnis**

Partner

Boston

617-345-9000

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### **Practices**

Construction & Public Contracts, Compliance, Crisis Response & Management, Dispute Resolution, Government & Internal Investigations, Procurement, Risk Management & Surety, Transactions

### **Education**

Suffolk University Law School, J.D., 2007  
*cum laude*

Tufts University, M.S., Geotechnical Engineering, 2004  
Tufts University, B.S., Civil Engineering, 2002

### **About**

Seth's practice is focused on all aspects of the construction industry. He has represented a wide range of construction industry participants, including general contractors, subcontractors, manufacturers, project owners, and design professionals. He frequently advises clients on bidding issues, contract negotiation and drafting, payment issues, liens and bonds, litigation, arbitration, and dispute resolution. His experience includes bench and jury trials concerning construction and professional liability claims.

Before becoming a construction lawyer, Seth earned a Bachelor's Degree in Civil Engineering and a Master's Degree in Geotechnical Engineering from Tufts University. He

gained significant work experience as a field engineer and construction surveyor with two major Boston contractors working on highly complex construction projects, including the Central Artery/Tunnel Project (“Big Dig”) and the Silver Line Tunnel Project in South Boston.

## **Credentials**

### **Work Experience**

Hinckley Allen

- Partner (2018-Present)
- Associate (2010-2017)

Donovan Hatem LLP

- Professional Practices and Environmental Law Groups
- Associate (2007-2010)

Modern Continental Construction Company

- Construction Surveyor and Field Engineer (2000-2003)

### **Professional Affiliations**

- American Bar Association, Forum on the Construction Industry
- Associated Builders and Contractors - NH/VT Chapter, Member
- Associated General Contractors of New Hampshire, Member
- Boston Bar Association
- Massachusetts Building Congress, Member
- New Hampshire Bar Association

### **Bar Memberships**

- Massachusetts
- New Hampshire
- United States Court of Appeals, First Circuit
- United States District Court, Massachusetts
- United States District Court, New Hampshire
- Vermont

## **Experience**

### **Trials and Arbitrations**

#### **Federal Court – Jury Trial**

Seth was a member of the trial team representing a New Hampshire Town during a 19 day jury trial in Federal Court relating to the design and operation of a disposal system for

treated wastewater effluent. The jury found in favor of the Town on all counts (including violation of the New Hampshire Consumer Protection Act) and awarded \$6.8 million in damages. Shortly after the verdict, the trial judge confirmed violations of the CPA, increased the damages to \$7.6 million, doubled the damages as required by statute, and awarded attorneys' fees.

### **Massachusetts State Court – Jury Trial**

Seth was a member of the trial team that represented a design firm terminated during construction of a public high school in Massachusetts. Following a 15 day jury trial, the jury found that the design firm was wrongfully terminated and awarded over \$1.5 million in damages. The design firm was found not responsible for any damages on the Town's counterclaim.

### **Arbitration**

Seth successfully defended the developer of a condominium project against a contractor's six figure claim for extra work. The arbitrator denied the contractor's claim in full and awarded \$25,000 in damages to the developer.

### **Massachusetts State Court – Bench Trial**

Seth successfully defended an engineer who designed a roadway reconstruction project against claims by the Commonwealth of Massachusetts and a contractor. Following a 10 day bench trial, the judge found that the engineer was not responsible for any of the \$350,000 in damages sought at trial.

## **Latest News & Insight**

### **Publications**

[Protecting Yourself from Rising Material Costs](#), July 1, 2018

### **Firm News**

[Hinckley Allen Expands Partnership, Elevating Six Attorneys to Partner](#), January 12, 2018

### **Events**

[Understanding Complex AIA Contract Provisions](#), October 31, 2014

[Green Construction for Contractors and Design Professionals](#), September 26, 2013

[Legislative Issues Confronting AGC Chapters in 2013, Residency Requirements and "Responsible Employer" Laws Requiring Fringe Benefit Plans](#), June 21, 2013

[HalfMoon Education Inc. - Law of Construction Defects and Failures](#), September 7, 2012

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