



## EDWARD S. CHENG

PARTNER

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Edward S. Cheng has over two decades of litigation experience, specializing in complex commercial disputes, professional malpractice cases, insurance coverage disputes, and real estate litigation.

As vice chair and partner in the firm's Litigation Department, and co-chair of its Professional Liability, Business Litigation, and Construction Law Practice Groups, Ed represents attorneys and their law firms, corporations, architects, engineers, title insurance companies, and professional liability insurance companies. He has also litigated employment, construction disputes, trade secret, and non-competition agreement disputes.

Ed represents attorneys in disciplinary proceedings before the Massachusetts Board of Bar Overseers ("BBO"). As a former Hearing Officer for the BBO, he presided over BBO hearings, received and considered evidence at hearings, and made findings of fact and conclusions of law (as part of a three person hearing panel) for the BBO. He brings this experience and insight into his practice of defending attorneys before the BBO. Here is a link to an article, *Keep Calm and Carry On – What to Do With a Letter From Bar Counsel*, that he wrote for attorneys who have received a bar complaint.

Ed majored in architecture and practiced as an associate architect for four years prior to law school. Through his education and experience, Ed developed a facility with construction drawings as well as design and construction principles that enhances his ability to defend architects and handle construction-related lawsuits.

### PRACTICE AREAS

[Alternative Dispute Resolution](#)

[Business Litigation](#)

[Litigation](#)

[Professional Liability](#)

[Real Estate Litigation](#)

### INDUSTRIES

[Construction & Design](#)

[Finance](#)

[Legal Services](#)

[Real Estate](#)

### EDUCATION

Boston College Law School,  
J.D., magna cum laude, 1996

Princeton University, B.A.,  
Architecture, 1989

### BAR ADMISSIONS

Massachusetts (1996)

U.S. District Court for the  
District of Massachusetts  
(2000)

U.S. Court of Appeals for the  
First Circuit (2000)

### EXPERIENCE

- Successfully persuaded Office of Bar Counsel to dismiss the Matter of H.C.H. and M.L.M. before filing a petition for discipline from a referral by the Massachusetts Superior Court. The Court had made findings against the two attorneys and those findings had been widely reported in the news media. Against this background, we sifted carefully through reams of evidence, and submitted a lengthy and thorough analysis of the case including documents and arguments that had not been before the Superior Court. The Office of Bar Counsel was persuaded that there were no ethics violations.
- Chair of the Hearing Committee for the Board of Bar Overseers for *In re Douglas F. Tracia* and *In re Douglas M. Suprenant*; member of Hearing Committee for *In re Philip X Murray*; each of these proceedings went to hearing
- Achieved dismissal of a malpractice action brought by a beneficiary of a will against the testator's attorney, and prevailed on the appeal, in *Yana Miroshina v. Stephen E. Grande, III*
- Successfully defended insurance company in a bench trial in the Superior Court against unfair claims handling lawsuit, where insurer had improperly denied coverage
- Won \$1.68 million judgment on behalf of real estate brokerage against developer after three-day arbitration before the American Arbitration Association

- In Appeals Court, defeated appeal from the Superior Court's allowance of our motion for judgment on the pleadings on plaintiff's malpractice claims against our attorney client
- Won summary judgment defending a Bankruptcy Trustee against claims amounting to over \$1 million brought by a non-party plaintiff
- Won jury trial verdict on a contract and fraud case for over \$500,000
- Represented clients in disciplinary actions before the Massachusetts Board of Bar Overseers, the Single Justice of the Supreme Judicial Court, and the Supreme Judicial Court
- Achieved summary judgment on malpractice claims against the Boston office of a multi-state law firm
- Participated in representing a multi-state firm in a 63-day jury trial, winning over \$1 million in damages and defeating malpractice counterclaims
- Author of winning brief in *Hopedale Development, Inc. v. David W. Normandin, et al.* before the Appeals Court
- Author of winning brief in *Queler, et al. v. Skowron, et al.*, before the Supreme Judicial Court and the successful underlying application for Direct Appellate Review; this matter concerned cutting edge issues of condominium law

## ACCOLADES

- Included in Massachusetts *Super Lawyers*
- Martindale-Hubbell Peer Review Rated: A/V Preeminent®
- Listed in *2019 Benchmark Litigation*

## SPEAKING ENGAGEMENTS

- "Ethical Home Practice in Pandemic," author, *Lawyer Monthly*, May 26, 2020
- "Succession Planning for Small Firms & Solo Practitioners," faculty, MCLE, December 2017, 2019, 2020
- "Happy Together: A Legal Ethics Webinar on Working with Lawyers and Non-Lawyers in Health Care ," faculty, American Health Lawyers Association CLE, December 2019
- "Departure is Such Sweet Sorrow: Leaving Your Law Firm," author, *Massachusetts Lawyers Weekly*, November 4, 2019
- "Got a Mass. Bar Counsel Letter? Keep Calm and Carry On ", author, *Law360*, February 2019
- *Massachusetts Board of Bar Overseers' Hearing Officers Training Program*, speaker, March 2018
- "Succession Planning for Small Firms & Solo Practitioners," faculty, MCLE, December 2017
- "Lawyers v. Laypersons: The Challenges of Litigating Against Pro Se Litigants" panelist, NAPABA Conference, November 2017
- Spring 2017 National Legal Malpractice Conference, Conference Chair, American Bar Association, April 2017
- "Civil Mediation Workshop: Meeting Rule 8's training requirements for mediators," faculty, MCLE, April 2013, April 2014, and April 2017
- *Massachusetts Evidence, A Courtroom Reference*, Chapter 9, Documentary Evidence, MCLE, 2016

- “Ethical Considerations for In-House Counsel,” panelist, NAPABA Northeast Regional Conference, August 2016
- “Successfully Navigating the New Ethics Rules: Focus on Social Media and Conflicts,” speaker, Greater Newburyport Bar Association, May 2016
- “Something Old, Something New: The Revised Massachusetts Rules of Professional Responsibility”, speaker, MCLE, May 2015
- “Avoiding Litigation Through Arbitration and Mediation Clauses In Real Estate Agreements,” speaker, 2014 Spring Conference, Real Estate Bar Association for Massachusetts
- “Game Theory and the Practice of Law – More Than Zero Sum Games,” speaker, American Bar Association Fall 2012 National Legal Malpractice Conference, September 2012
- *The Law of Lawyers’ Liability*, Chapter on the Commonwealth of Massachusetts, with Debra Squires-Lee, American Bar Association, 2012
- “Trial Symposium,” panelist, American Bankruptcy Institute, Northeast Bankruptcy Conference, Winter 2012
- “Title IX In the Age of Budget Cuts and Dissolving Social Boundaries,” speaker, AICUM Symposium, October 2011
- “Case Law Developments,” panelist, American Bar Association Fall 2011 National Legal Malpractice Conference, September 2011
- “Bankruptcy Court Trial Practice Symposium,” panelist, Northeast Bankruptcy Conference, American Bankruptcy Institute, Summer 2011
- “Advanced Mediation: Looking at What Lies Beneath the Surface,” panelist, NAPABA Northeast Regional Conference, June 2011
- “Avoiding the Ethical Minefield of Social Media: Do You Know Who Your Friends Are?” *Corporate Counsel*, with John F. Nagle, September 2010
- “Social Networking: Do you know who your friends are?” , *Massachusetts Lawyers Weekly*, with R. Victoria Fuller, July 2010
- “Trial Tactics and Strategies in Bankruptcy Court,” panelist, American Bankruptcy Institute’s 17th Annual Northeast Bankruptcy Conference, 2010
- “One Size Does Not Fit All: Approaches to Internal Investigations,” with Sara J. Shanahan and Matthew C. Moschella, Association of Corporate Counsel, Northeast Chapter, March 2010
- “Legal Ethics Issues Associated with Online Social Networks,” panelist, *Suffolk University Law School Advanced Legal Studies Seminar*, March 11, 2010
- “Evidence Symposium,” panelist, American Bankruptcy Institute, 2010 Northeast Consumer Winter Forum, January 2010
- “Ethics Pitfalls for Practitioners,” panelist, American Bar Association, December 2009
- “Lateral Hires Can Bring on a Lot of Potential Conflicts Baggage ,” *ABA Journal*, with Jessica G. Kelly, December 2009
- “Calling Up Dangers to Privilege,” *Corporate Counsel*, with Christopher R. Blazejewski, November 2009
- “Evidence,” panelist, American Bankruptcy Institute Northeast Bankruptcy Conference, July 2009

- “Dialogue with State Court Judges,” program chair, Boston Bar Association, April 2009
- “Massachusetts Legal Malpractice Law,” *50 State Survey of Legal Malpractice Law*, with Debra Squires-Lee and Janeen Blake, Professional Liability Litigation Committee, American Bar Association, February 2009
- “How Private Is that Email to the Contract Attorney in Mumbai? Attorney-Client Privilege in the 21st Century,” moderator, Association of Corporate Counsel, Northeast Chapter, February 2009
- “Top Tips for Avoiding Malpractice Claims,” moderator, American Bar Association Connection Teleconference, December 2008
- “Communications: Letters are still best,” in “Malpractice Minefield: 5 top traps – and how to avoid them,” *American Bar Association Journal*, December 2008
- “The New Federal Rule of Evidence 502: Limitations on Waiver,” American Bar Association’s Standing Committee on Lawyers’ Professional Liability eAdvisory, September 2008
- “Lawyers Facing Lawsuits from Clients and Colleagues,” speaker, Northeast Regional Conference, National Asian Pacific American Bar Association, May 2008
- “Civil Practice Issues,” panelist, Lawyers Following Orders: Ethical Pitfalls and Practical Advice, Suffolk University Law School Center for Advanced Legal Studies and the New York City Bar, April and May 2008
- “Biting the Hand that Sues You: Anti-SLAPP Statutes and Malicious Prosecution Cases,” panel speaker, Lawyers’ Professional Liability Conference, American Bar Association, September 2007
- *Bench-Bar Conference*, program chair, Boston Bar Association, March 2007
- “Practical Strategies for Avoiding Conflicts,” panel speaker, Suffolk University Law School’s Continuing Legal Education Seminar, Massachusetts and Rhode Island, Spring 2007
- “Business Litigation: Federal or State Court,” program co-chair, Continuing Legal Education Seminar, Boston Bar Association, December 2006
- “Lawyers Facing Lawsuit,” program chair, Continuing Legal Education Seminar, Massachusetts Bar Association, 2003-2004
- “Shifting Sands: The Shift of Management’s Fiduciary Duty to Creditors in the Zone of Insolvency,” director and officer, Liability Seminar, Center for Advanced Legal Studies at Suffolk University Law School, April 2003
- “Dangerous Liaisons – What You Write for Your Client Can Get You Sued,” speaker, Professional Liability Committee, Boston Bar Association, 2002
- “An Attorney’s Duty to Non-Clients,” *New England Law Review*, vol. 37, p. 55, 2002
- “Hey, Who Threw That Snowball? Attorneys Blindsided by Non-Client Lawsuit,” speaker, Professional Liability Committee, Boston Bar Association, 2001
- “The Levy v. Reardon Problem: Form over Substance,” with E. Randolph Tucker, Massachusetts Continuing Legal Education Real Estate Conference, Massachusetts Continuing Legal Education, 2000
- “Boys Being Boys and Girls Being Girls – Student-to-Student Sexual Harassment from the Courtroom to the Classroom,” *UCLA Women’s Law Journal*, vol. 7, p. 263, 1997
- “A Discussion on Ethical Decisions,” *Journal of Legal Professionals*, vol. 21, p. 89, 1996-1997
- “Thomas S. Kuhn and Courtroom Treatment of Science Evidence,” *Temple Environmental Law &*

*Technology Journal*, vol. 15, p. 195, 1996

## MEMBERSHIPS

- American Bar Association
  - Program Chair for the National Legal Malpractice Conference, 2014, 2017
  - Standing Committee on Lawyers' Professional Liability, member, 2009-2011
- Asian-American Lawyers Association of Massachusetts
  - Member of the Board of Directors, 2007 – present
  - Treasurer, 2007-2009
- Boston Bar Association
  - Administration of Justice Section, former co-chair
  - Standing Ethics Committee, 2006-2012
  - Massachusetts Practice and Procedure Committee, former co-chair
  - Professional Liability Committee, former co-chair
- Judicial Nominating Commission
  - Member, 2011-2014
- Massachusetts Clients' Security Board of the Supreme Judicial Court
  - Board member, 2008 – 2014
- Massachusetts Board of Bar Overseers
  - Hearing officer, 2008-2014
- State Ballot Law Commission for the Commonwealth of Massachusetts
  - Member, 2010-2012

## COMMUNITY INVOLVEMENT

- South Cove Manor at Quincy Point Rehabilitation Center
  - Member of the Board of Directors