

THOMAS I. ELKIND



PARTNER

TELKIND@FOLEY.COM

111 HUNTINGTON AVENUE SUITE 2600
BOSTON, MA 02199-7610
(617) 342-4010



Thomas Elkind is a partner with Foley & Lardner LLP. He is chair of the Boston office Litigation Department, served as chair of the Boston Office IP Department and is a member of the firm's Construction, IP Litigation, General Commercial Litigation, and Consumer Financial Services Litigation Practices. Mr. Elkind is also a member of the Emerging Technologies, Health Care and Hospitality, Resort & Golf Industry Teams.

Prior to joining Foley, Mr. Elkind was a member of the firm Epstein Becker & Green P.C., where he was chairman of the Construction Practice.

Mr. Elkind represents clients in the financial, construction and real estate industries in a variety of matters, including public and private construction, development, financing and employment disputes.

Mr. Elkind's litigation experience spans all phases of pre-trial motion practice, including summary judgment motions, injunction proceedings, jury and bench trials, and appeals. He has argued successfully before the Massachusetts Supreme Judicial Court in cases involving development rights, mechanics' liens, condominium unit expansion rights and the interpretation of wills and trusts. His reported decisions include:

- National Lumber Co. v. United Cas. & Sur. Ins. Co., 440 Mass. 723 (2004)
- National Lumber Co. v. LeFrancois Constr. Corp., 430 Mass. 663 (2000)
- Strauss v. Oyster River Condo. Trust, 417 Mass. 442 (1994)
- von Henneberg v. Generazio, 403 Mass. 519 (1988)

Mr. Elkind has also settled several significant real estate, financing and construction cases before trial or arbitration, including:

- Representation of a supplier of fabricated steel in a dispute involving the defective construction of a major office building in Boston, Mass.
- Representation of a supplier of sophisticated technology in connection with the clean up of Boston Harbor
- Representation of the owner of a defectively constructed multi-family cooperative housing complex in Lincoln, Mass.
- Representation of a condominium trust and unit owners in a claim against an architect for the negligent design of the project bathrooms in Boston, Mass.
- Representation of the owner of a steam generation project in Cambridge, Mass.
- Representation of owners of various residential properties in connection with claims of defective construction
- Representation of architects and engineers accused of negligent design of a variety of construction projects
- Representation of lenders, borrowers and real estate brokers in a variety of cases involving consumer protection claims

Mr. Elkind also has extensive experience representing clients in construction arbitrations and in the mediation of a wide range of commercial disputes. He has served as an arbitrator for the American Arbitration Association, and as a mediator in construction cases.

A graduate of Stanford Law School, Mr. Elkind earned his J.D. in 1976 and was a member of the *Stanford Law Review*. He also earned a B.A. from the University of Pennsylvania (1972), where he was Phi Beta Kappa.

Mr. Elkind has repeatedly been included in the *Massachusetts Super Lawyers*® lists. Only 5% of the lawyers in the state are selected.

Mr. Elkind is a member of the Boston Bar Association and was a past chair of the Appellate Committee of its Litigation Section. He also routinely represents indigent tenants in eviction cases and makes contributions to his community. He is a past president and a member of the

board of the Newton Commonwealth Foundation (which oversees the management of a municipal golf course); is a past president of the board of the West Suburban YMCA in Newton, Mass.; and has been honored by the Mayor of Newton for his community service.

Mr. Elkind is admitted to practice in Massachusetts, New York, and the District of Columbia and with the U.S. District Court, District of Massachusetts, the U.S. Court of Appeals for the First Circuit, and the U.S. Supreme Court.

Mr. Elkind often speaks before business and professional groups on such topics as alternate dispute resolution and real estate law. His publications and presentations include:

- "Green Construction — Avoiding the Black Holes of Environmentally Friendly Construction Techniques," Foley Executive Briefing Series, December 16, 2009
- "Micron v. Rambus: Beware the Consequences of Spoliation," *Foley Legal News: IP Litigation*, April 1, 2009 (*ECommerce* requested permission to reprint)
- "Welcome to the Jungle: A Nursing Home Administrator's Guide to Litigations and Government Investigations," The New England Alliance of the American College of Health Care Administrators (ACHCA) Winter New England Regional Conference & Annual Meeting, January 22, 2009
- "Litigation Challenges for Life Sciences Companies — Addressing Your Exposure," Foley Executive Briefing Series, January 7, 2009
- "Willful Patent Infringement: Will Seagate Impact Strategies for Bringing and Defending Claims?," Foley Executive Briefing Series, October 15, 2008
- "Seagate Ruling Raises the Bar for Infringement Liability," *Boston Bar Journal*, September 21, 2007
- "Patent Nation: In the Wake of KSR: Sea Change or Wait-and-See?," Foley & Lardner Web Conference, June 13, 2007
- "Safeguarding Your Intellectual Property While Doing Business in China," Foley Executive Briefing

- Series, March 28, 2007
- "Alternatives to Litigation in Resolving Real Estate or Construction Disputes," *Mass High Tech*, September 10, 2001