Keith H. Bensten

Partner

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Overview

Keith Bensten is a seasoned civil litigator who represents companies of all sizes—as well as individuals—in complex commercial litigation in state and federal courts in Massachusetts and nationwide. He has represented clients across a broad range of industries, including life sciences, insurance broking, real estate, manufacturing, construction, and telecommunications.

Keith regularly represents majority and minority shareholders in closely held corporations in disputes involving shareholder rights and breach of fiduciary duty claims.

His employment practice focuses on the recruiting and departure arena. He advises clients on the enforceability of non-competition, non-solicitation, confidentiality, and other post-employment restrictive covenants under state law in multiple jurisdictions. He also litigates these issues on behalf of both employers and employees.

In addition, Keith represents clients in construction and real estate disputes.

Keith maintains an active pro bono practice and serves on the firm's Pro Bono Committee. He has represented clients in matters involving First Amendment and religious liberty issues in the local government context.

Before entering private practice, Keith served as a law clerk to Justice LeRoy F. Millette, Jr. of the Supreme Court of Virginia.

Firm Leadership:

- Co-Chair, Working Parents Group

Practices & Industries

Complex Commercial Litigation

Construction

Litigation

Product Liability & Torts Litigation

Restrictive Covenants & Trade Secrets

Experience

No aspect of this advertisement has been approved by the highest court of any state. Prior results do not guarantee a similar outcome.

Served on the Defense Coordinating Committee in a Multi-District Litigation matter involving thousands of cases asserting product liability and other claims involving PFAS

Obtained a favorable verdict in a multi-day bench trial in the Massachusetts Business Litigation Session on behalf of a life sciences company on

claims for breach of contract and violation of Massachusetts' unfair trade practices statute

Secured summary judgment for insurance brokers against a financial services firm seeking an eight-figure recovery on a "failure to procure" claim

Acted as first chair in a week-long AAA arbitration and obtained a favorable outcome in a commercial dispute involving a video production project

Represented owners in litigation and AAA matters involving construction claims for public and private projects

Obtained favorable outcomes in multiple actions asserting defamation claims for false statements posted online

Represented companies in a multi-week arbitration matter involving commercial claims in the telecommunications industry

Represented a large insurance company in more than a dozen cases enforcing post-employment restrictive covenants against former employees in various state and federal courts throughout the country

Obtained temporary restraining orders and preliminary injunctions in several cases enforcing post-employment restrictive covenants

First chair and second chair in numerous trials involving land use matters, declaratory judgments, and local government law

Represented a large bank in multiple cases enforcing post-employment restrictive covenants and asserting various common law and statutory causes of action against former employees

Represented a majority shareholder and a corporation in a heavily litigated close corporation dispute in the Massachusetts Superior Court Business Litigation Session

Represented multiple financial services firms in several Financial Industry Regulatory Authority (FINRA) arbitrations involving customer disputes, misappropriation of trade secrets, and raiding claims

Represented a physician and his practice group in a dispute with shareholders from his former practice

Represented a law firm in an action against a former associate who took multiple client matters from the firm prior to his departure

Briefed and argued an appeal in the Supreme Court of Virginia in a land use matter

Education and Credentials

Education

William & Mary Law School, J.D., 2008, *William & Mary Environmental Law Policy Review*, Articles Editor

University of Virginia, B.A., 2004

Admissions

Commonwealth of Massachusetts

U.S. District Court, District of Massachusetts

Affiliations

Boston Bar Association

Federal Bar Association, Massachusetts Chapter

Boston American Inn of Court, Past member

Boston Lawyers Group, Past mentor

Recognition and Community

No aspect of this advertisement has been approved by the highest court of any state. Prior results do not guarantee a similar outcome. See Awards Methodology.

Recognitions

Selected to the list of Boston *Super Lawyers*® Rising Stars, Business Litigation, 2022-2024

Insights

FinCEN Imposes CTA Reporting on Certain Dissolved Entities
July 12, 2024

Corporate Transparency – Where Are We Now?
April 23, 2024

FTC Takes Historic Action Against the Enforcement of Non-Compete Agreements
January 17, 2023

Massachusetts Paid Family and Medical Leave Act Provisions Go Into Effect on January 1, 2021
December 29, 2020

Massachusetts High Court Trebles Unpaid Future Commissions Under the Wage Act
July 30, 2020

The First Circuit's Lessons on the Implied Warranty of Merchantability, Foreseeability, and the Critical Differences Between Contract and Tort Claims
November 26, 2019

Massachusetts High Court Holds 100%-Commissioned Inside Sales Employees Are Entitled to Overtime and Sunday Pay on Top of Draws and Commissions
September 11, 2019

MA District Court Declares the MA Wiretap Statute Unconstitutional
winter 2019

News

Eleven Day Pitney Attorneys Elevated to Firm Partnership for 2023
January 3, 2023

Keith H. Bensten
January 3, 2023

In The Media

Truro Stops Enforcing Sign Bylaw
The Provincetown Independent , May 29, 2024

Promotions
Massachusetts Lawyers Weekly, January 20, 2023

Day Pitney Elevates 11 To Partner
Law360 Pulse, January 3, 2023

Providence Lawyer Emma Becker Named Partner at Day Pitney
Providence Business First, January 3, 2023

Eleven Day Pitney Attorneys Elevated to Firm Partnership in 2023
The Boca Raton Tribune, January 4, 2023