



PAUL E. WHITE

PARTNER

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Education: J.D., Suffolk University School of Law (*cum laude*), 1986; LL.B., U.C. Cardiff, 1979; Utter Barrister, Gray's Inn, London, England (Bar, 1980)

Practice areas: Business Litigation, Shopping Mall Lease Disputes, UCC Article 2 Disputes, Supply Chain Disputes, Insurance and Reinsurance

Trained as a barrister in the U.K. before moving to the United States in 1984, Paul White became a partner at the firm in 1990 and presently serves on the firm's Executive Committee. Paul has an active trial practice and has tried over 15 civil jury trials to verdict as well as handling numerous mediations and appeals. He has been elected a *Massachusetts Super Lawyer* in the area of business litigation since 2005 (a distinction conferred on less than 5% of the Massachusetts bar). Paul has broad experience handling complex civil litigation matters, with a focus on claims under UCC Article 2, complex contract claims, commercial lease and shopping mall lease disputes, and supply chain disputes (including product recalls and third-party recoveries). Paul also represents insurers in complex insurance and reinsurance disputes. He is a regular writer and speaker on the subject of commercial contracts, contract disputes and litigation-related topics.

Representative Matters

- Representation of major national retailer in litigation seeking over \$4 million in tax overcharges under shopping center lease
- Obtained \$2 million jury verdict in supply chain dispute enforcing pre-contractual Letter of Intent (believed to be highest verdict in the Business Litigation Session of the Massachusetts Superior Court in 2004)
- Successfully obtained \$1.2 million settlement during trial in breach of commercial contract dispute for supplier alleging wrongful termination of Long Term Agreement to supply automotive parts
- Successfully defended corporation and majority shareholders in claim by minority shareholder alleging breach of Shareholder Buy-Sell Agreement, defeating all claims on summary judgment
- Representation of bicycle manufacturer in claim against bicycle cooperative alleging breach of fiduciary duty, breach of contract and interference with advantageous relations, successfully resolving all claims at pre-suit mediation
- Successfully represented specialty wire manufacturer in claim against Underwriters Laboratories for wrongful withholding of UL approval and negligent testing, including preparation of recall of shipped product prior to obtaining UL agreement to withdraw test results and voluntary lifting of stop ship order
- Representation of switch manufacturer in instituting voluntary recall of allegedly defective switch and effective parallel resolution of over one hundred claims for property damage and indemnity



SUGARMAN, ROGERS,
BARSHAK & COHEN, P.C.

- Successfully obtained mandatory preliminary injunction in supply chain dispute requiring continued supply under long-term supply agreement enabling client to meet its own supply obligations to OEM
- Representation of excess carrier in complex insurance dispute with insured in nationwide asbestos litigation seeking excess coverage based on alleged exhaustion of primary limits, successfully defeating summary judgment and obtaining beneficial settlement of excess coverage claim
- Representation of subcontractor in catastrophic construction accident claim, successfully defeating claims by owner and general contractor for indemnity of multimillion dollar settlement of underlying claim
- Representation of employers and employees in claims alleging violation of non-compete agreements and wrongful disclosure of trade secrets including obtaining and defeating claims for preliminary relief

Recognition

- *Massachusetts Super Lawyers* (Business Litigation), *Boston* magazine, 2005-2011
- Rated AV® Preeminent™ by Martindale-Hubbell

Memberships

- Boston Bar Association
- Massachusetts Bar Association (Delegate, 2011-2012; Member, Task Force to Explore Employment Opportunities for Massachusetts Law Graduates, 2011-2012; Member, Civil Litigation Section Council, 2010-)
- Massachusetts Reinsurance Bar Association (Founding Member; Treasurer, 2010-; Director, 2009-2010)
- Purchasing Management Association of Boston
- Institute of Supply Management
- International Association for Contract and Commercial Management
- Retailers Association of Massachusetts
- National Retail Tenants Association
- Real Estate Bar Association for Massachusetts
- Defense Research Institute, Inc.
- Gray's Inn, London, England

Admissions

- United Kingdom
- Massachusetts
- U.S. District Court for the District of Massachusetts

Speaking Engagements

Paul is a frequent speaker and presenter at continuing legal education programs on deposition and trial techniques, has served as a faculty member at deposition workshops sponsored by the National Institute of Trial Advocacy and is a frequent speaker on the subject of enforcement of commercial contracts.

Recent speaking engagements include the following:

- October 2011 - speaker on Retail and Hospitality Law—Managing and Responding to a Crisis, Defense Research Institute 2011 Annual Meeting
- May 2011 - speaker on Advanced Deposition Skills—Effective Techniques for Taking and Defending Key Depositions for Trial, Massachusetts Bar Association
- September 2010 - speaker on Navigating Through the Ethical Thicket in Reinsurance Arbitration, Massachusetts Reinsurance Bar Association Fall Symposium
- October 2009 - invited speaker on Drafting, Review and Enforcement of Contracts in the Supply Chain at annual meeting of National Association of Educational Buyers, New England Region
- September 2009 - faculty member and speaker on Reducing the Cost of Reinsurance Disputes, Massachusetts Reinsurance Bar Association Fall Symposium
- March 2009 - featured speaker at Spring meeting of Purchasing Management Association of Boston on the subject of drafting and enforcement of commercial contracts

Publications

- “Spotting and Litigating Landlord Overcharges,” *For The Defense*, a publication of the Defense Research Institute, (Mar. 2011)
- “First Circuit Declines to Vacate Revised Arbitration Award,” *MReBA Cover Notes*, a publication of the Massachusetts Reinsurance Bar Association, (Spring 2009)
- “Tips for Drafting a Commercial Agreement and When to Use a Lawyer,” *The Manufacturing Advancement Center (MAC) Action Newsline*, (Oct. 2008)
- “Tips for Getting the Most from Your Commercial Contracts,” *The Manufacturing Advancement Center (MAC) Action Newsline*, (Sept. 2008)
- “Writings and the Memory of a Witness: Effective Use of Documents at Trial for Impeachment and Other Purposes,” *Journal of the Massachusetts Academy of Trial Attorneys*, (Fall 1997)