

Brian M. Hurley

Partner

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Brian is a litigation lawyer focusing on real estate-related litigation, including land use, environmental, title and title insurance claims and disputes. Brian advises institutional, commercial and individual clients on a wide variety of litigation issues and represents them in the state and federal courts of Massachusetts.

Brian joined Rackemann, Sawyer & Brewster in 1979 after serving as trial counsel in the United States Navy Judge Advocate General Corps. Before that, he clerked for the Honorable John E. Fenton, Jr. of the Trial Court. In 2022, Rackemann combined with Verrill Dana LLP.

Brian has frequently lectured on litigation matters for Massachusetts Continuing Legal Education Foundation, American Land Title Association, Real Estate Bar Association and National Business Institute. He has published written materials on a variety of complex litigation and real estate topics.

Outside of the office, Brian enjoys traveling and spending time with his grandchildren.

Education

- Suffolk University Law School (J.D.)
- Golden Gate University (M.P.A.)
- College of the Holy Cross

Public Service

- Adjunct Professor of Law, Trial Evidence, Suffolk University Law School (1995-2010)
- Advisory Committee Chairman, Massachusetts Trial Court
- Member, Zoning Board of Appeals, Town of Milton (1995-2015)
- Trustee, Vineyard Open Land Foundation (Brian's practice has involved a number of cases on Martha's Vineyard)

Services/Industries

- Litigation & Trial
- Real Estate Litigation
- Real Estate

Bar Admissions

- Massachusetts

Honors

- Listed in *The Best Lawyers in America*® under Litigation-Real Estate, Real Estate Law in Boston, Massachusetts (2024)
- Selected as the *The Best Lawyers in America*® “Lawyer of the Year” for Litigation – Real Estate in Boston (2019)
- Listed in *The Best Lawyers in America*® (2018-2020)
- Massachusetts Super Lawyers, 2004-2021

To learn more about third-party ratings and rankings, and the selection processes used for inclusion, [click here](#).

Court and Other Admissions

- U. S. District Court, District of Massachusetts
- U. S. Court of Appeals, First Circuit
- U. S. Court of Appeals, Federal Circuit
- United States Supreme Court

Experience

Verrill Attorneys Secure Landmark Victory in Anti-SLAPP Defense Against Business Competitors

Verrill attorneys were victorious in defending against a special motion to dismiss filed by business competitors in a case with claims for unfair and deceptive business practices and abuse of process. *Bristol Asphalt Co., Inc. v. Rochester Bituminous Products, Inc.*, 493 Mass. 539 (2024). The SJC used the case to clarify and simplify the legal framework that Massachusetts Courts use for evaluating a special motion to dismiss filed under the Anti-SLAPP Statute. The SJC has been focused on refining this standard for several decades and has successfully provided clear guidance on the analysis required by the Anti-SLAPP Statute for reviewing a special motion to dismiss.

Notable Experience

- Jury trials and jury waived cases in Superior Court, Probate Court, Land Court and various District Courts of the Commonwealth of Massachusetts
- Tried several of arbitration claims involving complex construction or insurance matters.
- Tried or argued cases in Federal Courts, including a securities fraud jury trial in the U. S. District Court for Massachusetts resulting in a judgment in excess of \$2 million.
- Argued cases before the U.S. Court of Appeals for the First Circuit, U.S. Court of Appeals for the Federal Circuit, the Supreme Judicial Court of Massachusetts and the Appeals Court of Massachusetts.

Publications & Podcasts

January 14, 2021

Brian M. Hurley Quoted in Law360

Law360