

Amicus Committee

The Amicus Committee operates as a joint committee of REBA and the Abstract Club to write and present amicus curiae briefs relating to real estate law matters to the Massachusetts Appeals Court and the Supreme Judicial Court as well as, on occasion, to the Federal District Court of Massachusetts and the First Circuit Court of Appeals. Briefs are often submitted at the invitation of the court or, on other occasions, at the request of counsel to one of the litigants. In deciding whether to submit a brief, the Committee evaluates which party it believes should prevail in the case, whether the case involves issues with wide application in real estate law, and whether the case will have significant precedential value or, alternatively, whether the case is so fact-intensive that it will not provide a useful precedent in addressing similar issues in the future.

Because of the Committee's nearly 50-year history, and in light of the respect afforded to REBA by the courts in the field of real estate law, the Amicus Committee is uniquely situated to play a role in assisting Massachusetts appellate courts in shaping and resolving long-standing complex issues in the real estate law arena, whether involving long-standing ambiguities in the common law applicable to title and conveyancing matters or complications of a more recent origin arising out of ongoing statutory or regulatory enactments in the ever-expanding areas of leasing, environmental and land use law. Through its involvement in each carefully selected case in which the Committee elects to submit a brief, the Committee has a very tangible and long-term impact upon the evolution of real estate law.

Membership on the Amicus Committee is by invitation. The Committee is largely comprised of current and former REBA committee chairs and select members of the Abstract Club, although briefs are often solicited from, and contributed by, the broader community of REBA members.

Co-Chair

Edward M. Bloom, Esq., Director Emeritus
Sherin and Lodgen, LLP - Boston Office
101 Federal Street, 30th Floor
Boston, MA 02110-1817
embloom@sherin.com
(617) 646-2114

Co-Chair

Daniel J. Ossoff Esq.
Rackemann, Sawyer & Brewster, P.C.
160 Federal Street, 15th Floor
Boston, MA 02110-1700
dossoff@rackemann.com
(617) 951-1121

Co-Chair

Diane C. Tillotson Esq.
Hemenway & Barnes LLP
75 State Street, 16th Floor
Boston, MA 02109-1466
dtillotson@hembar.com
(617) 227-7940

Members:

Benjamin O. Adeyinka Esq.
Administrative Office of the Housing Court
Edward W. Brooke Courthouse
24 New Chardon Street, Sixth Floor
Boston, MA 02114
benjamin.adeyinka@jud.state.ma.us
(617) 788-6517

Erica P. Bigelow Esq.
Rich May, P.C.
176 Federal Street
Boston, MA 02110-2223
ebigelow@richmaylaw.com
(617) 556-3877

James M. Burgoyne Esq.
Fletcher Tilton, P.C. - Worcester Office
370 Main Street, Suite 1250
Worcester, MA 01608-1779
jbουργoyne@fletchertilton.com

Edmund A. Allcock Esq.
Marcus, Errico, Emmer & Brooks, P.C.
45 Braintree Hill Office Park, Suite 107
Braintree, MA 02184-8733
eallcock@meeb.com
(781) 843-5000

Douglas J. Brunner Esq.
Law Offices of Douglas J. Brunner
1350 Main Street, Suite 216
Springfield, MA 01103-1670
djb@titlebound.com
(413) 781-1202

Ruth A. Dillingham Esq.
First American Title Insurance Company - Cape Cod Office
86 Willow Street, Unit Seven
Yarmouthport, MA 02675
rdillingham@firstam.com

(508) 459-8019

Vicki S. Donahue Esq.
Cain Hibbard Myers, PC
66 West Street, Third Floor
Pittsfield, MA 01201-5764
vdonahue@cainhibbard.com
(413) 443-4771

Ashly Wayne Eikelberg Esq.
Marina Bay Realty Group
333 Victory Road
Quincy (Squantum), MA 02171
asheikelberg@gmail.com
(321) 277-8979

Robert T. Gill, Esq.
Peabody & Arnold, LLP
Federal Reserve Plaza
600 Atlantic Avenue, Suite 6000
Boston, MA 02210-2261
rgill@peabodyarnold.com
(617) 951-4706

The Hon. Mel L. Greenberg (ret.)
Seder & Chandler, LLP
339 Main Street, Suite 300
Worcester, MA 01608-1585
mlg@sederlaw.com
(508) 479-8154

Sheila M. Hurley Esq.
First American Title Insurance Company - Boston Office
185 Dartmouth Street, Fifth Floor
Boston, MA 02116
SMHURLEY@FIRSTAM.COM
(617) 225-1546

Arthur P. Kreiger Esq.
Anderson & Kreiger LLP
One Canal Park, Suite 200
Cambridge, MA 02141-2203
akreiger@andersonkreiger.com
(617) 621-6540

Charles N. Le Ray Esq.
Dain / Torpy
745 Atlantic Avenue, Fifth Floor
Boston, MA 02111
cleray@daintorpy.com
(617) 542-4800

Clive D. Martin Esq.
Robinson & Cole, LLP - Boston Office
One Boston Place, Suite 2600
Boston, MA 02108-4404
cmartin@rc.com
(617) 557-5927

Donald R. Pinto Jr., Esq.
Rackemann, Sawyer & Brewster, P.C.
160 Federal Street, 15th Floor
Boston, MA 02110-1700
dpinto@rackemann.com
(617) 542-2300

Mary K. Ryan Esq.
Nutter, McClennen & Fish, LLP - Boston Office
Seaport West
155 Seaport Boulevard
Boston, MA 02210-2604
mryan@nutter.com
(617) 439-2212

Michelle T. Simons Esq.
Brecher, Wyner, Simons, Fox & Bolan, LLC
189 Wells Avenue, Suite 302
Newton, MA 02459-3355

(508) 778-4770

Stephen M. Edwards, Esq., Director At-Large
Wilmer Cutler Pickering Hale and Dorr LLP - Boston Office
60 State Street
Boston, MA 02109
stephen.edwards@wilmerhale.com
(617) 526-6067

Richard J. Gallogly Esq.
Rackemann, Sawyer & Brewster, P.C.
160 Federal Street, 15th Floor
Boston, MA 02110-1700
rgallogly@rackemann.com
(617) 542-2300

Richard M. Golder Esq.
Marsh, Moriarty Ontell & Golder, P.C.
18 Tremont Street, Suite 900
Boston, MA 02108-2301
rgolder@mмоglaw.com
(617) 742-1822

Michael P. Healy Esq.
Healy & Associates
847 Washington Street
Holliston, MA 01746-1685
MHealy@Healy-Associates.com
(508) 429-7700

Kurt A. James Esq.
Rackemann, Sawyer & Brewster, P.C.
160 Federal Street, 15th Floor
Boston, MA 02110-1700
kjames@rackemann.com
(617) 542-2300

Susan B. LaRose Esq.
Doucette & LaRose, LLC
251 Main Street
Oxford, MA 01540-2356
susan@dandllaw.com
(508) 987-9944

Martin A. Loria Esq.
Adelson, Loria & Weisman, P.C.
20 Park Plaza, Suite 820
Boston, MA 02116-4322
mloria@alwfirm.com
(617) 330-1625

Paul J. Mulligan Esq.
MassHousing
One Beacon Street, Fourth Floor
Boston, MA 02108-3110
pmulligan@masshousing.com
(617) 854-1380

Christopher S. Pitt, Esq., Director Emeritus
Robinson & Cole, LLP - Boston Office
One Boston Place, Suite 2600
Boston, MA 02108-4404
cpitt@rc.com
(617) 557-5907

Richard M. Serkey Esq.
Winokur, Serkey & Rosenberg, P.C.
81 Samoset Street
Plymouth, MA 02360-4500
rserkey@winokurlaw.com
(508) 746-1023

F. Sydney Smithers IV, Esq.
Cain Hibbard Myers, PC
66 West Street, Third Floor
Pittsfield, MA 01201-5764

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msimons@legalpro.com
(617) 614-1500

Lauren A. Solar Esq.
Hackett Feinberg P.C.
155 Federal Street, 9th Floor
Boston, MA 02110-1727
LAS@bostonbusinesslaw.com
(617) 422-0200

Staff:

Peter Wittenborg Esq.
The Real Estate Bar Association
50 Congress Street, Suite 600
Boston, MA 02109-4075
wittenborg@reba.net
(617) 854-7555

REBA Site

fssmithers@cainhibbard.com
413-443-4771

Joel A. Stein Esq.
Law Office of Joel A. Stein
17 Accord Park Drive, Suite 106
Norwell, MA 02061-1629
jstein@steintitle.com
(781) 878-5600