



**James D. Masterman**

Shareholder

Litigation | Real Estate Litigation | Real Estate Operations | Education

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James D. Masterman is a trial lawyer with a broad range of experience in eminent domain and real estate valuation litigation, including tax proceedings and lease arbitrations, and in the litigation of land use and property rights issues.

His representation of commercial, industrial and residential property owners and developers requires his appearance in U.S. District Court, U.S. Bankruptcy Court, every state and administrative court of Massachusetts and throughout New England. His advice is also sought by multi-property clients on a national basis on all aspects of eminent domain. Jim served as Chair of the American Bar Association's Committee of Condemnation, Zoning and Land Use Litigation and is a frequent lecturer and writer on eminent domain and valuation, his articles appearing in many legal and trade publications.

**Areas of Concentration**

- Valuation Disputes
  - Eminent Domain
  - Property Rights
  - Tax Proceedings
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**Significant Representations**

- *State of Connecticut v. Hartford New Park LP*, No. HHDCV 2011-5035374 (Connecticut Condemnation Proceeding)
  - *State of Texas v. Inland Western Southlake LP*, No. 2010-087299-2 (Texas Condemnation Proceeding)
  - *State of Texas v. Inland Western Grapevine LP*, No. 2010-087097-1 (Texas Condemnation Proceeding)
  - *Regional Transportation District [Denver, Colorado] v. Leal, et al.*, No. 2009 CV 6458 (Colorado Condemnation Proceeding, for Lender)
  - *Michael Syracuse d/b/a Interstate Supply Co., and Texas ICO., Inc. v. Orion Refining Corporation*, U.S. Bankruptcy Court (D. Del) Adv. Pro. No. 03.53939 (2008)
  - *Central Steel v. Somerville Redevelopment Authority*, 447 Mass. 337 (2006)
  - *Boston Water & Sewer Commission v. Commonwealth*, 64 Mass. App. Ct. 611 (2005)
  - *Liberty Square Dev. Trust v. Worcester*, 441 Mass. 605 (2004)
  - *Portland Natural Gas Transmission System v. 19.2 Acres of Land*, 318 F. 3d 279 (1st cir. 2003)
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**Professional & Community Involvement**

- Council Member, Boston Bar Association, 2007 - 2010
- Chair, Committee on Condemnation, Zoning and Land Use Litigation, American Bar Association (1995-1998)
- Co-Chair, Unpublished References Committee
- Member, Federal Practice Task Force
- Founding Charter Member, Owners' Counsel of America
- Affiliate Member, The Appraisal Institute
- Elected Town Meeting Member, Town of Needham, Massachusetts
- Advisor, Boston Mayor Thomas M. Menino's Advisory Panel on Housing (2004)

- Member, Town of Needham Finance Committee (1999-2002)
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#### **Awards & Recognition**

- Listed, *The Best Lawyers in America*, Eminent Domain and Condemnation Law, 2007-2013
  - "Lawyer of the Year," Boston Eminent Domain and Condemnation Law, 2013
- Listed, *Super Lawyers* magazine, *Massachusetts Super Lawyers*, 2005-2012
- Rated, AV<sup>®</sup> Preeminent<sup>™</sup> 5.0 out of 5

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#### **Legal Experience**

- Suffolk County Assistant District Attorney
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#### **Clerkship**

- Law Clerk, Honorable John J. McNaught of the United States District Court for the District of Massachusetts
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#### **Articles, Publications & Lectures**

##### **Articles**

- Co-Author, "Damages to Real Property," *Real Estate Valuation & Eminent Domain Litigation*, MCLE, 2012
- Author, "Eminent domain and the commercial lease," *Lexology*, March 21, 2012
- Author, "Landlord and Tenant in Eminent Domain," ALI-ABA Course of Study Written Materials, January 26, 2012
- Co-Author, "Deposition Of The Appraiser In Takings Cases," *The Practical Litigator*, November 2010
- Author, "Preparation of the Appraiser as an Expert Witness," *Real Estate Valuation & Eminent Domain Litigation*, MCLE, 2009
- Author, "Prudent Investor: Interest Rates in Eminent Domain Litigation," Massachusetts Bar Institute, Section Review, Vol. 6 No.1 p.47, 2003
- Author, "Real Estate Title Practice in Massachusetts, Eminent Domain Chapter," MassCLE, 2003
- Author, "Proving Highest and Best Use," ALI-ABA Course of Study Written Materials, 2000
- Author, "Condemnation Clauses in Leases And Other Landlord/Tenant Problems in Eminent Domain," ALI-ABA Course of Study Written Materials, 1999
- Author, "Preparation of the Appraisal Expert Witness," ALI-ABA Course of Study Written Materials, 1998
- Author, "Partial Takings and Severance Damages," ALI-ABA Course of Study Written Materials, 1997
- Author, "Expert Testimony in Eminent Domain Trials," ALI-ABA Course of Study Written Materials, 1995
- Author, "Valuation of Contaminated Real Estate", 21 M.L.W. 32, 1993
- Author, "Cost Is Not Value: Post-Inmar Valuations," 10 *Real Estate Finance* 33, 1993
- Author, "Damages in Massachusetts Litigation--Real Property Damages," MassCLE (with Neal C. Tully, Esq.), 1993
- Author, "Massachusetts Regulatory Takings Law after Lucas", 21 M.L.W. 229, 1992

##### **Publications**

- Co-Author, "Commonwealth of Massachusetts," *The Law of Eminent Domain - Fifty State Survey*, American Bar Association, 2012

##### **Lectures**

- Presenter, "Recent Trends in Eminent Domain Takings," REBA 2012 Annual Meeting &

Conference, October 29, 2012

- Lecturer, "Effective Discovery: Deposition of Expert Witnesses in Eminent Domain," presented at the ALI-ABA Conference in Scottsdale, AZ, January 2010
  - Lecturer, "Preparation of the Appraiser as an Expert Witness" and "Damages to Real Property," presented at the MCLE Seminar in Boston, MA, May 2009
  - Lecturer, "Preparation of the Appraisal Expert," presented at the ALI-ABA Conference, January 2007
  - Lecturer, "Preparation of the Appraisal Expert," presented to the Institute on Planning, Zoning and Eminent Domain at the Center for American and International Law, November 2004
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**Education**

J.D., Boston University School of Law, 1979

B.A., Cornell University, 1976

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**Admitted to Practice**

- Massachusetts
  - U.S. District Court for the District of Massachusetts
  - U.S. Court of Appeals for the First Circuit Court of Appeals
  - Supreme Court of the United States
  - U.S. Tax Court
  - U.S. Bankruptcy Court for the District of Delaware
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