Benjamin A. Goldberger

COUNSEL

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Overview

Drawing on his fifteen years of government service, Ben brings a wealth of experience and a trial lawyer's eye to advising and advocating for clients. Ben's practice focuses on representing individuals, non-profits, business entities, municipalities and government agencies in complex negotiations, environmental permitting and disputes. Ben's government experience includes work in the Governor's Legal Office where he provided oversight for legal matters relating to energy, the environment, public safety, economic development and business regulation. After working for the Governor's Office, Ben served as General Counsel of the Executive Office of Energy & Environmental Affairs, which includes the Departments of Agricultural Resources (MDAR) Conservation and Recreation (DCR), Energy Resources (DOER), Environmental Protection (MassDEP), Fish & Game (DFG) and Public Utilities (DPU).

Environmental and Energy: Ben provides his clients with extensive subject matter experience with issues involving the Massachusetts Environmental Policy Act (MEPA), Coastal Zone Management (CZM) program, Chapter 91 waterways issues, permitting and enforcement under the Massachusetts Wetlands Protection Act, the Energy Facilities Siting Board (EFSB), environmental justice initiatives, the Toxics Use Reduction Act (TURA), Massachusetts Environmental Police matters, and public-private partnerships.

Litigation and Government Enforcement: Ben has tried more than three dozen cases to jury verdict and has briefed and argued a number of appeals. He combines book smarts and street smarts to provide zealous advocacy in the courtroom. Ben's wide-ranging litigation experience includes representing insureds in coverage disputes, representing both challengers to and defenders of agency and municipal action, representing parties in disputes arising out of closely held corporations, and representing project proponents and opponents in permitting disputes.

While serving as an Assistant District Attorney in Boston, Ben developed a specialty in financial crimes and public employee investigations, handling high profile matters including a successful prosecution of a significant Ponzi scheme that received national recognition. Ben welcomes representations of victims of financial crimes, as well as subjects, targets and defendants of government enforcement actions.

Public Law: Ben brings expertise and sound judgment honed at the highest levels of state government to state agency and municipal clients faced with challenging aspects of Massachusetts public law.

Experience

- Negotiated agreement to resolve Title VI investigation of federal funds recipient.
- Advised multiple state agencies on revisions to regulations, including both substantive and procedural issues.
- Served as principal legal advisor to the Massachusetts Environmental Police.

PRACTICE AREAS

Environmental
Internal Investigations
Litigation
Public Law
White Collar Defense & Government Enforcement
Insurance

CREDENTIALS

Education

- Harvard Law School, J.D., 2002 – magna cum laude, 2001 Sears Prize
- University of Pennsylvania, B.A.S., B.A., 1998 – summa cum laude, Phi Beta Kappa

Admissions

- State and Federal Courts in Massachusetts
- Registered Attorney – U.S. Patent and Trademark Office

Clerkship

- Law Clerk to the Honorable Mark L. Wolf, United States District Court for the District of Massachusetts

Recognitions

- *The Best Lawyers in America©, Environmental Law*, 2027

- Oversaw public records compliance across multiple secretariats.
- Conducted internal investigations on behalf of state agency and corporate clients.
- Represented Commonwealth in civil forfeiture action involving claims of Native American rights.
- Prevailed at federal bench trial against state agency for violation of Religious Land Use and Institutionalized Persons Act (RLUIPA).
- Provided strategic and tactical guidance to trial team that successfully defended state agency from Endangered Species Act (ESA) suit.
- Represented insureds in complex coverage litigation, including allegations of bad faith claims handling.
- Represented regulated entity in connection with inspection and enforcement activities by the Department of Agricultural Resources.
- Represented both project proponents and opponents in connection with Wetlands Protection Act issues at local conservation commissions and the Massachusetts Department of Environmental Protection.

Affiliations

- Former Commissioner, Boston Human Rights Commission
- Boston Bar Association, Member