



# Keith H. Bensten

## Partner

Boston, MA | (617) 345-4740

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## Overview

Keith Bensten, an experienced civil litigator, represents businesses and employers in complex commercial, product liability, and employment litigation. He has represented businesses and individuals in litigation matters in federal and state courts throughout the United States.

Keith has represented clients in cases involving claims of product defect, breach of fiduciary duty, breach of contract, misappropriation of trade secrets, tortious interference, Wage Act violations, Chapter 93A claims and Computer Fraud and Abuse Act violations. He has also handled close corporation disputes, land use issues and construction disputes.

Keith's employment practice has focused primarily on the recruiting and departure arena. He has advised clients on the enforceability of non-competition, non-solicitation, confidentiality and other post-employment restrictive covenants under state law in various jurisdictions. Keith has also represented clients on both sides of the aisle in enforcing and overcoming such covenants in litigation matters.

Keith's experience also includes having served as a law clerk to Justice LeRoy F. Millette, Jr. of the Supreme Court of Virginia for three years.

## Experience

*No aspect of this advertisement has been approved by the highest court of any state. Prior results do not guarantee a similar outcome.*

Represented a large insurance company in more than a dozen cases enforcing post-employment restrictive covenants against former employees in various state and federal courts throughout the country

Obtained temporary restraining orders and preliminary injunctions in several cases enforcing post-employment restrictive covenants

First chair and second chair in numerous trials involving land use matters, declaratory judgments and local government law

Assisted representing a large bank in multiple cases enforcing post-employment restrictive covenants and asserting various common law and statutory causes of action against former employees

Assisted representing a majority shareholder and a corporation in a heavily litigated close corporation dispute in the Massachusetts Superior Court Business Litigation Session

## Practices & Industries

**Complex Commercial Litigation**

**Construction**

**Litigation**

**Product Liability & Torts Litigation**

**Restrictive Covenants & Trade Secrets**

Assisted representing multiple financial services firms in several Financial Industry Regulatory Authority (FINRA) arbitrations involving customer disputes, misappropriation of trade secrets and raiding claims

Assisted representing a physician and his practice group in a dispute with shareholders from his former practice

Assisted representing a law firm in an action against a former associate who took multiple client matters from the firm prior to his departure

Briefed and argued an appeal in the Supreme Court of Virginia in a land use matter

## Education and Credentials

### Education

William & Mary Law School, J.D., 2008, *William & Mary Environmental Law Policy Review*, Articles Editor

University of Virginia, B.A., 2004

### Admissions

Commonwealth of Massachusetts

U.S. District Court, District of Massachusetts

### Affiliations

Boston Bar Association

Federal Bar Association, Massachusetts Chapter

Boston American Inn of Court

Boston Lawyers Group, Mentor

## Recognition and Community

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### Recognitions

Selected to the list of Boston [Super Lawyers](#) Rising Stars (Thomson Reuters), Business Litigation, 2022-2024

## Insights

FinCEN Imposes CTA Reporting on Certain Dissolved Entities

July 12, 2024

Corporate Transparency – Where Are We Now?

April 23, 2024

FTC Takes Historic Action Against the Enforcement of Non-Compete Agreements

January 17, 2023

Massachusetts Paid Family and Medical Leave Act Provisions Go Into Effect on January 1, 2021

December 29, 2020

Massachusetts High Court Trebles Unpaid Future Commissions Under the Wage Act

July 30, 2020

The First Circuit's Lessons on the Implied Warranty of Merchantability, Foreseeability, and the Critical Differences Between Contract and Tort Claims

November 26, 2019

Massachusetts High Court Holds 100%-Commissioned Inside Sales Employees Are Entitled to Overtime and Sunday Pay on Top of Draws and Commissions

September 11, 2019

MA District Court Declares the MA Wiretap Statute Unconstitutional

winter 2019

## News

Eleven Day Pitney Attorneys Elevated to Firm Partnership for 2023

January 3, 2023

Keith H. Bensten

January 3, 2023

## In The Media

Truro Stops Enforcing Sign Bylaw

The Provincetown Independent , May 29, 2024

Promotions

Massachusetts Lawyers Weekly, January 20, 2023

Day Pitney Elevates 11 To Partner

Law360 Pulse, January 3, 2023

Providence Lawyer Emma Becker Named Partner at Day Pitney

Providence Business First, January 3, 2023

Eleven Day Pitney Attorneys Elevated to Firm Partnership in 2023

The Boca Raton Tribune, January 4, 2023