



Keith Bensten

Senior Associate

Boston, MA

T: (617) 345 4740

F: (617) 607 6053

kbensten@daypitney.com vCard in

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

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

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

SERVICES

COMPLEX COMMERCIAL LITIGATION

EMPLOYMENT AND LABOR

PRODUCT LIABILITY AND TORTS LITIGATION

INSIGHTS

MASSACHUSETTS PAID FAMILY AND MEDICAL LEAVE ACT PROVISIONS GO INTO EFFECT ON JANUARY 1, 2021

Co-author, December 29, 2020, *Day Pitney Alert*

MASSACHUSETTS HIGH COURT TREBLES UNPAID FUTURE COMMISSIONS UNDER THE WAGE ACT

Co-author, July 30, 2020, *Day Pitney Employment and Labor Quarterly Update*

THE FIRST CIRCUIT'S LESSONS ON THE IMPLIED WARRANTY OF MERCHANTABILITY, FORESEEABILITY, AND THE CRITICAL DIFFERENCES BETWEEN CONTRACT AND TORT CLAIMS

Author, November 26, 2019, *Federal Bar Association Massachusetts Chapter Newsletter*

MASSACHUSETTS HIGH COURT HOLDS 100%-COMMISSIONED INSIDE SALES EMPLOYEES ARE ENTITLED TO OVERTIME AND SUNDAY PAY ON TOP OF DRAWS AND COMMISSIONS

Co-author, September 11, 2019, *Day Pitney Employment and Labor Quarterly Update*

MA DISTRICT COURT DECLARES THE MA WIRETAP STATUTE UNCONSTITUTIONAL

Author, winter 2019, *Federal Bar Association Massachusetts Chapter Newsletter*

EDUCATION AND CREDENTIALS

EDUCATION

William & Mary Law School, J.D., 2008

University of Virginia, B.A., 2004

ADMISSIONS

Commonwealth of Massachusetts

AFFILIATIONS

Boston Bar Association

Federal Bar Association

Boston American Inn of Court

Boston Lawyers Group

RECOGNITION AND COMMUNITY

RECOGNITION

Selected to the list of Boston *Super Lawyers* Rising Stars (Thomson Reuters), Business Litigation, 2022