

Heather Gamache

Director

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Practice Areas

Litigation
Business Litigation
Real Estate Litigation
Trusts and Estates Litigation

Education

Suffolk University Law School
J.D., May 2004
University of Massachusetts
B.A., Political Science, Minor in
History, *cum laude*, May 2001

Admissions

District of New Hampshire, 2017
State of New Hampshire, 2015
U.S. Court of Appeals for the First
Circuit, 2011
District of Connecticut, 2011
District of Massachusetts, 2009
Commonwealth of
Massachusetts, 2008
U.S.D.C., Eastern District of
Pennsylvania, 2005
Commonwealth of Pennsylvania,
2004

Practice Focus

Heather M. Gamache is an experienced trial attorney who has a broad focus on real estate and commercial litigation matters. Heather regularly represents residential and mixed-use condominium associations and individual unit owners in condominium disputes, declaratory judgment actions, construction disputes, construction defect actions, fiduciary duty claims and collection actions. Heather also advises condominium associations on all aspects of condominium governance and property rights issues. Heather represents business clients in contract disputes, tortious interference with advantageous relations claims, breach of warranty actions, and 93A claims. Heather also has significant experience handling tort litigation matters.

In addition to her litigation practice, Heather has performed independent investigations on behalf of academic institutions as well as for the Board of Bar Overseers.

Background

Prior to joining Rackemann, Heather was a partner in the litigation group at Prince Lobel Tye. Before that, she practiced litigation at Adler Pollock & Sheehan, P.C. Heather also represented transportation clients in Federal Employers' Liability Act claims throughout the Mid-Atlantic and Northeast at Flynn Wirkus Young, PC. She has served as a staff attorney at the United States District Court for the District of Hawaii and in the medical malpractice group at the Pennsylvania law firm Weber Gallagher Simpson Stapleton Fires & Newby LLP.

Honors & Awards

- Super Lawyer 2016 – 2018
- Super Lawyer Rising Star 2012 – 2015

Notable Experience

- Secured a defense verdict in favor of an engineering firm and a utility construction company in a negligence action involving alleged personal injuries after a motorcycle accident at a roadway construction site.
- Secured summary judgment in favor of a prominent horse farm against negligence claims brought by a former student who fell off a horse during a riding lesson and successfully defended the plaintiff's appeal. In August 2016, the Appeals Court affirmed the trial court's order granting summary judgment.
- Obtained summary judgment in a negligence action involving a student injured while taking horseback riding lessons. Heather successfully argued that prior to taking horseback riding lessons the plaintiff executed a release entitling the defendants to immunity from suit. Heather also successfully argued that the defendants were entitled to statutory immunity pursuant to G.L. c. 128 § 2D, the Massachusetts Equine Statute. *Markovitz v. Chrislar Corp., et al.*, Essex Superior Court, ESCV2013 – 1507.

- Secured a defense verdict in favor of a landlord client in a premises liability action involving alleged personal injuries to a visitor on the landlord's property as a result of falling down an outdoor staircase.
- Secured a defense verdict in favor of a railroad client in a FELA action pending in the Philadelphia Court of Common Pleas involving a personal injury to a railroad employee.
- Obtained summary judgment in a case involving a truck driver injured when he fell from his truck at a local transloading facility. Heather argued that her client, an out-of-possession landowner, had no duty to provide safety equipment or training to the truck driver. *Smith v. CSXT, et al.*, Middlesex Superior Court, MICV2006-0332.
- Obtained summary judgment in a FELA case pending in the U.S.D.C. for the Northern District of New York. Heather successfully argued that the plaintiff failed to present any evidence of the railroad's negligence, that the plaintiff's own failure to act reasonably caused his injuries, and that the railroad provided the plaintiff with a reasonably safe place to work. *Monington v. CSXT, No. 10CV1553GLS*, 2012 U.S. Dist. LEXIS 29351 (N.D.N.Y. Mar. 6, 2012)
- Obtained summary judgment on behalf of a railroad client in a multi-party, multi-million dollar wrongful death action pending in the Philadelphia County Court of Common Pleas. Heather successfully argued that the plaintiffs had no standing to file suit under the FELA.
- Drafted successful directed verdict motion in a complex consolidated occupational and traumatic injury case in the U.S.D.C for the District of Massachusetts. *Crowther v. CSXT, et al.*, 763 F. Supp. 2d 262 (D. Mass. 2011)

Professional Activities

- Women's Bar Association, Board of Directors, Executive Board Member (2019-Present)
- Women's Bar Association, Board of Directors, Member (2017-2019)
- Women's Bar Association, Law Firm Advancement Committee, Chair (2016-Present)
- Women's Bar Association, Women's Leadership Initiative (2015-2016)
- Women's Bar Association, Member (2012-Present)
- Boston Bar Association, Member (2014-Present)
- Real Estate Bar Association, Member (2018-Present)

Publications & Talks

- "Civil Litigation: Tips, Tricks and Pitfalls," Boston Bar Association, Panelist (June 2019)
- "The Next Generation of Women Trial Lawyers," Women Leading Cases in the Courtroom, Women's Bar Association, Panelist (June 2017)
- "BBA Litigation Fundamentals: Discovery Disputes," Boston Bar Association, Panelist (April 2017)
- "Legislation on Attorney Jury Voir Dire in Superior Court," Prince Lobel Tye, LLP, Panelist (September 2014)