



## Nina L. Pickering-Cook

Partner

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### Practice Areas

Construction  
Project Permitting & Development  
Litigation  
Public Law  
Public Law Litigation  
Cities & Towns  
State & Local Agencies  
Real Estate  
Development and Permitting  
General Civil Litigation

### Honors

Massachusetts Super Lawyers - Rising Stars, 2015, 2016

### Education

Boston University School of Law, J.D. 2006 *magna cum laude*

Note Editor, *Boston University Law Review*

Bates College, B.S. 2000 *cum laude*

### Overview

Nina helps both public and private sector clients navigate issues related to construction, land use and real estate. She is skilled at drafting agreements in those areas to protect her clients, and strategically litigating on their behalf when it is necessary. She has successfully litigated a broad range of real estate, construction and land use matters – including permitting and zoning issues – for her clients at all levels in Massachusetts and Federal courts.

Nina also regularly advises public sector clients, such as the Towns of Acton, Bedford, Dover, Lexington and Concord, the Massachusetts Department of Transportation (MassDOT), Massachusetts Bay Transportation Authority (MBTA), and the Massachusetts Gaming Commission, on a full range of legal matters – from routine compliance issues to complex litigation. She has guided these clients through developing procurements, providing support for Town Meeting and public or administrative hearings, and training on the requirements of the State Ethics Act, the Open Meeting Law and the Public Records Act.

Nina is also part of an innovative Construction Project Delivery Think Group made up of national construction industry leaders that are working on finding technologically-based solutions to hurdles faced in the project delivery process.

### Results

- Defended a town's right to use Community Preservation Acts funds to preserve two historic churches, including prevailing at the trial court level and arguing at the SJC resulting in a split decision and creation of new law on the Anti-Aid Amendment.
- Representing the MBTA in public records lawsuit against Boston Globe.
- Successfully defended City of Attleboro at trial against a challenge to its denial of a permit for an asphalt plant in an Industrial Business Park district.
- Represent institutional owner/developer in Cambridge on a variety of multi-million dollar construction-related contracts and disputes.
- Advising a major developer in Boston on construction and related contracts for proposed retail, commercial and residential tower.
- Won the dismissal of a large class action against MBTA for service disruptions in the winter of 2015.
- Successfully arbitrated a dispute over a real estate option contract for developer client.
- Obtained settlement for developer client through mediating claims against surveyor.
- Obtained favorable settlement for a Town in multi-party litigation over defective construction of fire stations.

- Successfully overturned regulations on Martha's Vineyard that prohibited development of clients' property.
- Negotiated below market commercial lease for client in settlement of zoning claims over proposed development.
- Defended a Town against a zoning challenge from daycare under the so-called Dover Amendment.
- Defended a Town against claims alleging procurement misconduct, including appeals.
- Defended the City of Philadelphia in federal court over plans to expand its airport.
- Defended an airport in a multi-count federal action, including RICO and antitrust claims, resulting in dismissal.
- Defended a Town against claims by the contractor of a recreation complex, obtaining a favorable settlement.

### Pro Bono

- Represented a community group in shutting down a non-compliant hazardous waste transfer facility located in an environmental justice neighborhood.
- Represent neighborhood group in Maine against new development contrary to zoning.

### Affiliations

Boston Bar Association, Co-chair **Real Estate Section**

Pickering Foundation, *Member of the Board of Trustees*

**Real Estate Litigation Section of American Bar Association**, *Co-Vice Chair of Content*

Town of Dover, *Town Counsel*

Massachusetts Municipal Lawyers Association, *Amicus Committee*

ABA Forum on Construction Law