



David Hatem, Kelly Martin Malone and Dillon Aisenberg Analyze SJC Ruling Impacting Design and Construction Professionals

May 13, 2025

MG+M The Law Firm Partners [David Hatem](#) and [Kelly Martin Malone](#) and Associate [Dillon Aisenberg](#) were recently [published](#) in *Massachusetts Lawyers Weekly* analyzing the Massachusetts Supreme Judicial Court's ruling in *Trustees of Boston University v. Clough, Harbour & Associates LLP*. The court held that a contractual indemnification claim was not barred by the six-year Statute of Repose under G.L. c. 260 § 2B—a decision that significantly alters the long-standing legal protections for design professionals.

The authors examine the court's reasoning and explore the implications of the ruling on risk allocation and indemnification provisions in design and construction contracts. They also consider potential legislative responses to address the expanded scope of liability exposure now facing design professionals.

Read the [full article](#) (subscription required).

mgmlaw.com

Boston | Boston - State Street | Chicago | Dallas | Hattiesburg, MS | Irvine, CA | Jackson, MS | Los Angeles | Madison County/St. Louis | Miami | New Jersey | New Orleans | New York | Providence, RI | San Francisco | Walnut Creek, CA | Wilmington, DE

Attorney Advertising. This material is for general informational purposes only and does not represent our advice as to any particular set of facts; nor does it represent any undertaking to keep recipients advised of all legal developments. Prior results do not guarantee a similar outcome. © 2025 Manning Gross + Massenburg LLP