Business Disputes and Litigation

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Overview

Commercial disputes rarely announce themselves on a predictable schedule. A vendor stops performing. A partner begins diverting business. A customer refuses to pay an invoice that has been outstanding for months. By the time a business owner searches for litigation counsel, the dispute has usually been escalating for weeks, and the cost of delay is compounding.

Cohen Cleary represents businesses in commercial disputes throughout Massachusetts, Rhode Island, and across New England. Our litigation attorneys handle the full spectrum of business conflicts, from partnership disagreements and shareholder disputes to breach of contract claims and non-compete enforcement. We approach every dispute with a straightforward question: what outcome protects this business, and what is the most efficient path to get there?

How We Help Businesses Resolve Commercial Disputes

Every commercial matter begins with a structured assessment of legal merit, financial exposure, and business impact. That analysis informs whether the most efficient resolution path is direct negotiation, mediation, arbitration, or litigation. The stakes in business disputes are operational: disrupted supply chains, frozen partnerships, damaged client relationships, lost revenue. Every strategic decision must account for the business consequences alongside the legal merits.

Partnership and Shareholder Disputes

We represent majority and minority shareholders, managing members, and partners in disputes involving fiduciary duty breaches, profit distribution conflicts, and oppressive conduct. In Massachusetts, minority shareholder oppression claims under G.L. c. 156D, § 14.30 carry specific procedural requirements that affect both timing and remedy. We advise clients on those requirements from the outset.

We prosecute and defend breach of contract claims involving non-payment, non-performance, tortious interference, and misappropriation. Our attorneys assess enforceability, quantify damages, and evaluate collection risk before recommending a course of action. Where a contract includes an arbitration clause or a mediation requirement, we counsel clients on the enforceability of those provisions and represent them through the process.

Emergency and Injunctive Relief

When a departing partner solicits clients in violation of a non-compete, or a vendor threatens to disrupt operations, we pursue preliminary injunctions and temporary restraining orders in Massachusetts Superior Court and federal court to protect the business while the underlying dispute is resolved. A favorable judgment, of course, is only valuable if it can be collected. We handle post-judgment discovery, trustee process attachments, and supplementary process proceedings to convert court orders into recovered funds.

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Why Choose Cohen Cleary's Business Litigation Attorneys

At Cohen Cleary, our practice teams combine deep subject-matter experience with disciplined execution and responsive client service. We do not take a one-size-fits-all approach. Every matter is handled with careful preparation, clear communication, and a strategy tailored to the client's goals and the realities of the forum.

Clients choose Cohen Cleary because we deliver:

Practice-Focused Legal Experience

Our attorneys work in defined practice areas, allowing us to develop practical insight into the legal, procedural, and regulatory nuances that matter most in each case. This focus allows us to anticipate issues, avoid unnecessary delays, and position matters for efficient resolution.

Clear Guidance and Proactive Communication

We prioritize clarity at every stage. Clients receive straightforward explanations of their options, timely updates on developments, and practical advice grounded in real-world outcomes.

Strategic Advocacy with Trial Readiness

Whether a matter calls for negotiation, mediation, or litigation, our attorneys prepare every case with discipline and foresight. We pursue efficient resolution when possible and are fully prepared to advocate aggressively when necessary to protect our clients' interests.

Regional Knowledge and Local Presence

With offices throughout Massachusetts and experience across New England courts and agencies, we bring local insight and regional reach to every matter.

Client-Centered Service

We treat every matter with urgency and respect. Our clients rely on us for responsive service, sound judgment, and steady counsel through complex legal challenges.

In our business disputes and litigation work, this approach helps clients resolve commercial conflicts with clarity, efficiency, and confidence.

Our Approach to Business Litigation

The instinct to "fight on principle" in a business dispute rarely survives a cost-benefit analysis. The most successful outcomes we see come from clients who treat litigation as a business decision, not an emotional one, and who authorize an early, aggressive settlement posture from a position of preparation.

We tell our clients that the first step in any commercial dispute is an honest assessment of leverage, exposure, and cost. That assessment drives every recommendation we make, from pre-suit demand strategy through trial preparation. Resolution-focused does not mean passive. It means disciplined.

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Serving Businesses Across Massachusetts, Rhode Island, and New England

Cohen Cleary litigates business disputes in Massachusetts and Rhode Island state and federal courts, with offices in Taunton and Plymouth providing access to courthouses across southeastern Massachusetts, Bristol County, Plymouth County, and Norfolk County. Our commercial litigation attorneys also represent clients in business disputes throughout New England, bringing the same preparation and strategic discipline to matters across the region.

Familiarity with local court procedures, filing requirements, and case management practices in these jurisdictions allows us to move efficiently from initial case assessment through resolution.

Schedule a Consultation With a Massachusetts

Business disputes demand prompt, strategic attention. If your company is facing a partnership conflict, contract breach, or commercial claim, contact Cohen Cleary to schedule a consultation. Our attorneys will evaluate your position, outline your options, and recommend a path forward tailored to your business objectives.

Frequently Asked Questions About Business Litigation

How long does a business dispute typically take to resolve in Massachusetts?

Timelines vary significantly depending on case complexity, the court's docket, and whether the parties pursue settlement or alternative dispute resolution. A straightforward breach of contract claim in Massachusetts Superior Court may be resolved within six to twelve months if the parties engage in early mediation. Complex partnership or shareholder disputes involving discovery and expert testimony can take eighteen months to two years or longer. Our attorneys provide realistic timeline assessments during initial case evaluation and structure litigation strategy to create early resolution opportunities where appropriate.

What is the difference between mediation, arbitration, and litigation in a business dispute?

Mediation is a voluntary, facilitated negotiation where a neutral third party helps the parties reach a mutually acceptable resolution. Arbitration is a binding process where a private decision-maker hears evidence and issues a ruling, often faster than court litigation but with limited appeal rights. Litigation is the formal court process, offering the broadest procedural protections and the right to a jury trial. We advise clients on the advantages and risks of each option based on the specific dispute, and many of our commercial matters involve a combination of these approaches.

Can I recover attorney fees in a business lawsuit?

Massachusetts follows the "American Rule," meaning each party generally pays its own attorney fees unless a contract, statute, or court rule provides otherwise. Many commercial contracts include fee-shifting provisions that allow the prevailing party to recover its legal costs. We review all relevant agreements at the outset of a dispute to assess fee recovery potential, and we draft our clients' contracts with enforceable fee-shifting language when appropriate.

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What should I do if my business partner is breaching a fiduciary duty?

Document the conduct, preserve all relevant communications and financial records, and consult litigation counsel before taking any unilateral action. Fiduciary duty claims in Massachusetts require specific proof of the duty, the breach, and resulting damages. Acting without legal guidance (such as locking a partner out of accounts or unilaterally amending an operating agreement) can weaken your legal position and expose you to counterclaims. Early legal consultation allows us to assess the situation, identify the right forum, and determine whether emergency relief is warranted.

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